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Codification Guide

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

A Cumulative Codification Guide covering the current month appears at the end of each issue beginning with the second issue of the month.

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

PART 350—TERRITORIAL POST DIFFERENTIALS AND COST-OF-LIVING ALLOWANCES

Places and Rates at Which Allowances Shall Be Paid

Effective at the beginning of the first pay period after March 15, 1960, § 350.11 is amended as set out below.

§ 350.11 Places and rates at which allowances shall be paid.

In accordance with the provisions of section 207 of the act and section 205 of Executive Order 10000 as amended, and in consideration of relative consumer price levels in the area and in the District of Columbia, and differences in goods and services available and the manner of living of persons employed in the area concerned in positions comparable to those of United States employees in the area, allowances are established at the following places and rates:

Alaska (including all the Aleutian Islands east of longitude 167 degrees east of Greenwich): 25 percent of rate of basic compensation.

Hawaii (excluding Ocean or Kure Island and Palmyra Island): 17½ percent of rate of basic compensation.

Puerto Rico: 12½ percent of rate of basic compensation.

Virgin Islands of the United States: 17½ percent of rate of basic compensation.

(Secs. 207, 104, 62 Stat. 194, 1205, sec. 202, Part II, E.O. 10000, 13 F.R. 5453, E.O. 10636, 20 F.R. 7025; 5 U.S.C. 118h, 3 CFR, 1948 Supp., 1955 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant.

[F.R. Doc. 60-1571; Filed, Feb. 18, 1960; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 727—MARYLAND TOBACCO

Proclamation of the Results of Marketing Quota Referendum

Basis and purpose. The purpose of this proclamation is to add a § 727.1103 to announce the results of the Maryland tobacco marketing quota referendum for the three marketing years beginning October 1, 1960. Under the provisions of the Agricultural Adjustment Act of 1938, as amended, the Secretary proclaimed national marketing quotas for Maryland tobacco for the 1960–61, 1961–62 and 1962–63 marketing years, and announced the amount of the national marketing quota for Maryland tobacco for the 1960–61 marketing year (25 F.R. 73). The Secretary announced (25 F.R. 87) that a referendum would be held on February 2, 1960, to determine whether Maryland tobacco producers were in favor of or opposed to marketing quotas for the three marketing years beginning October 1, 1960. Since the only purpose of this proclamation is to announce the results of the referendum, it is hereby found and determined that with respect to this proclamation, application of the notice and procedure provisions of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary.

§ 727.1103 Proclamation of the results of the Maryland tobacco marketing quota referendum for the three-year period beginning October 1, 1960.

In a referendum of farmers engaged in the production of the 1959 crop of Maryland tobacco held on February 2, 1960, 5,958 farmers voted. Of those voting, 4,636 or 77.8 percent, favored quotas for a period of three years beginning October 1, 1960; 1,322 or 22.2 percent were opposed to quotas. Therefore, the national marketing quota of 42.36 million pounds proclaimed January 4, 1960 (25 F.R. 73) for Maryland tobacco for the 1960–61 marketing year will be in effect for such year and marketing quotas on Maryland tobacco will be in effect for the three marketing years beginning October 1, 1960.

(Secs. 312, 375; 52 Stat. 46, as amended, 66; 7 U.S.C. 1312, 1375)

Done at Washington, D.C., this 16th day of February 1960.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-1586; Filed, Feb. 18, 1960; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2051]

[New Mexico 055653]

NEW MEXICO

Withdrawing Public Lands for Use of New Mexico College of Agriculture and Mechanic Arts for Research Purposes

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in New Mexico are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws but not the disposal of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604) as amended, and reserved under the jurisdiction of the Secretary of the Interior for use by the New Mexico College of Agriculture and Mechanic Arts for research purposes in connection with Federal programs, under such terms and conditions as may be prescribed by the Bureau of Land Management, Department of the Interior:

NEW MEXICO PRINCIPAL MERIDIAN

T. 23 S., R. 2 E.,
Sec. 22, lots 5 and 6;
Sec. 23, lots 1 to 16 incl.;
Sec. 26, lots 4, 5, 6, 7, and E½;
Sec. 35, lots 6, 7, 8, 9, N½NE¼, and SE¼ NE¼.

The areas described aggregate 1,393.19 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

February 17, 1960.

[F.R. Doc. 60-1622; Filed, Feb. 18, 1960; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 279; Amdt. 155]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or canceled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days' notice.

Part 609 (14 CFR Part 609) is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PROCEDURE CANCELED, EFFECTIVE 10 MARCH 1960. FACILITY DECOMMISSIONED.							
City, Arcata; State, Calif.; Airport Name, Arcata Airport; Elev., 217'; Fac. Class., SBMRLZ; Ident., ACV; Procedure No. 1, Amdt. 6; Eff. Date, 22 Feb. 58; Sup. Amdt. No. 5; Dated, 16 Aug. 54							
Augusta VOR	AGS-LFR	153°—6.9	1800	T-dn C-dn A-dn	300-1 800-1 800-2	300-1 800-1 800-2	*200-½ 800-1½ 800-2

Procedure turn N side of W crs, 276° Outbnd, 096°, Inbnd, 1600' within 10 mi. (non-std due to Camp Gordon danger area 2.5 mi S of final approach crs).
Minimum altitude over facility on final approach crs, 1100'.
Crs and distance, facility to airport, 130°—6.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.5 mi, turn right, climb to 1500' on S crs within 20 mi.
CAUTION: Radio towers 786 MSL 5.0 mi. NNW AGS LFR. Prohibited area 4 mi E of Bush Field.
*300-1 required on Runway 26.

City, Augusta; State, Ga.; Airport Name, Bush Field; Elev., 142'; Fac. Class., SBRAZ; Ident., AGS; Procedure No. 1, Amdt. 2; Eff. Date, 12 Mar. 60; Sup. Amdt. No. 1; Dated, 25 Feb. 56

Huron VOR	HON-LFR	Direct	2500	T-dn C-d C-n A-dn	300-1 400-1 400-1½ 800-2	300-1 500-1 500-1½ 800-2	200-½ 500-1½ 500-1½ 800-2

Procedure turn S side SW crs, 224° Outbnd, 044° Inbnd, 2500' within 10 mi.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 040°—2.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.4 mi, climb to 3000' on NE crs within 20 mi.
CAUTION: Radio tower 1484' MSL 1¼ mi S of airport.
Major Change: Deletes transition from Virgil Int.

City, Huron; State, S. Dak.; Airport Name, W. W. Howes; Elev., 1287'; Fac. Class., BMRLZ; Ident., HON; Procedure No. 1, Amdt. 10; Eff. Date, 12 Mar. 60; Sup. Amdt. No. 9; Dated, 1 May 58

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Augusta VOR	LOM	Direct	1800	T-dn	300-1	300-1	#200-½
Augusta LFR	LOM	Direct	1700	C-dn	600-1	600-1	600-1½
City Int	LOM	Direct	1600	S-dn-35	500-1	500-1	500-1
Sardis Int	LOM	Direct	1500	A-dn	800-2	800-2	800-2

Procedure turn West side of S crs, 168° Outbnd, 348° Inbnd, 1500' within 10 mi. (Nonstandard due to prohibited area.)
Minimum altitude over facility on final approach crs, 1000'.
Crs and distance, facility to airport, 348°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing LOM, climb to 2000' on crs of 348° within 15 miles or, when directed by ATC, turn left and climb to 1800' on W crs AGS-LFR within 20 miles of LFR
#300-1 required on Runway 26.

City, Augusta; State, Ga.; Airport Name, Bush Field; Elev., 142'; Fac. Class., LOM; Ident., AG; Procedure No. 1, Amdt. 7; Eff. Date, 12 Mar. 60; Sup. Amdt. No. 6; Dated, 2 May 59

La Habra Int	Downy FM/RBn	Direct	3000	T-dn	300-1	300-1	200-½
LAX RBn	LOM	Direct	2000	C-dn	500-1	600-1	600-1½
Downy FM/RBn	LOM (Final)	Direct	1800	S-dn-25L/R	500-1	500-1	500-1
LGB LFR	Downy FM/RBn	Direct	2000	A-dn	800-2	800-2	800-2
LGB VOR	Downy FM/RBn	Direct	2000				
LGB LFR	LOM	Direct	2000				
LGB VOR	LOM	Direct	2000				
Hollywood Hills FM	LOM	Direct	3000				
LAX VOR	LOM	Direct	2000				

Radar vectoring to final approach course authorized.
Procedure turn S side E crs, 068° Outbnd, 248° Inbnd, 2000' within 7.8 mi of OM (E of Downy FM/RBn NA).
Minimum altitude over facility on final approach crs, 1800'.
Crs and distance, facility to airport, 248°—5.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 mi after passing LOM, climb to 2000' on outbnd crs of 248° from LOM within 20 mi.

City, Los Angeles; State, Calif.; Airport Name, International; Elev., 126'; Fac. Class., LOM; Ident., LA; Procedure No. 1, Amdt. 20; Eff. Date, 12 Mar. 60; Sup. Amdt. No. 19; Dated, 22 Oct. 59

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Wichita Falls, VOR	SPS RBn	Direct	3000	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-33	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 148° Outbnd, 328° Inbnd, 2300′ within 10 mi. Nonstandard due obstruction West.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 328°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles, climb to 3000′ MSL on crs of 328° within 20 mi.
NOTE: Single transmitter. Aural signal must be received at all times during approach.

City, Wichita Falls; State, Tex.; Airport Name, Sheppard AFB/Mun.; Elev., 1014′; Fac. Class., HW; Ident., SPS; Procedure No. 1, Amdt. 1; Eff. Date, 12 Mar. 60; Sup. Amdt. No. Orig.; Dated, 5 Sept. 59

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Augusta LFR	AGS-VOR	Direct	1800	T-dn	300-1	300-1	*200-½
				C-dn	700-1	700-1	700-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 1800′ within 10 mi of AGS VOR.
Minimum altitude over facility on final approach crs, over VOR 1300′, Over Int NE crs AGS LFR and AGS R-141 1300′.
Crs and distance, facility to airport, VOR to Int AGS R-141 and NE crs AGS LFR, 141°—7.2; Int AGS R-141 and NE crs AGS LFR to Airport, 141°—5.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.9 mi after passing Int. NE crs AGS LFR and AGS R-141, turn right, climb to 1800′ on R-157 within 20 mi, or if directed by ATC, climb to 1500′ proceeding to AGS LOM.
NOTE: Procedure not authorized unless AGS LFR is operative and can be received.
CAUTION: Prohibited area located 4 mi E of Bush Field.
*300-1 required on Runway 26.

City, Augusta; State, Ga.; Airport Name, Bush Field; Elev., 142′; Fac. Class., BVOR; Ident., AGS; Procedure No. 1, Amdt. 2; Eff. Date, 12 Mar. 60; Sup. Amdt. No. 1; Dated, 25 Feb. 56

Goshen LFR	SBN-VOR	Direct	2500	T-dn	300-1	300-1	200-½
South Bend LFR	SBN-VOR	Direct	2000	C-dn	500-1	500-1	500-1½
N Liberty Int	SBN-VOR	Direct	2000	A-dn	800-2	800-2	800-2
Int W crs SBN LFR and 253 R SBN VOR	SBN-VOR	Direct	2000				
Int N crs SBN LFR and 350 R SBN VOR	SBN-VOR	Direct	1900				
Long Lake Int	SBN-VOR	Direct	2000				

Procedure turn W side of crs, 360° Outbnd, 180° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 180°—3.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles, make right turn, climbing to 2000′ and return to SBN VOR or when directed by ATC: (1) climb to 2000′ on R-180 within 20 miles.

City, South Bend; State, Ind.; Airport Name, St. Joseph County; Elev., 778′; Fac. Class., BVOR; Ident., SBN; Procedure No. 1, Amdt. 7; Eff. Date, 12 Mar. 60; Sup. Amdt. No. 6; Dated, 6 Feb. 60

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	
				C-d	500-1	500-1	
				C-n	500-2	500-2	
				S-dn-13	500-1	500-1	

Procedure turn North side of crs, 308° Outbnd, 128° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, breakoff point to airport, 131°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2500′ on R-135 within 20 miles.
CAUTION: 1520′ tower 2.4 mi SW of airport.

City, Houghton; State, Mich.; Airport Name, Houghton County; Elev. 1091′; Fac. Class., BVOR; Ident., CMX; Procedure No. TerVOR-13, Amdt. Orig.; Eff. Date, 12 Mar. 60

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	
				C-d	600–1	600–1	
				C-n	600–2	600–2	
				S-dn-25	600–1	600–1	

Procedure turn North side of crs, 060° Outbnd, 240° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, breakoff point to airport, 247°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make right turn and climb to 2500′ on R-308 within 20 miles.
CAUTION: 1520′ tower 2.4 mi. SW of airport.

City, Houghton; State, Mich.; Airport Name, Houghton County; Elev., 1091′; Fac. Class., BVOR; Ident., CMX; Procedure No. TerVOR-25, Amdt. Orig.; Eff. Date, 12 Mar. 60.

				T-dn	300–1	300–1	
				C-d	500–1	500–1	
				C-n	500–2	500–2	
				S-dn-31	500–1	500–1	

Procedure turn East side of crs, 135° Outbnd, 315° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, breakoff point to airport, 311°—1.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2200′ on R-308 within 20 miles.
CAUTION: 1520′ tower 2.4 mi SW of airport.

City, Houghton; State, Mich.; Airport Name, Houghton County; Elev., 1091′; Fac. Class., BVOR; Ident., CMX; Procedure No. TerVOR-31, Amdt. Orig.; Eff. Date, 12 Mar. 60

PROCEDURE CANCELED EFFECTIVE 1 MARCH 1960.

City, Rochester; State, N.Y.; Airport Name, Monroe County; Elev., 560′; Fac. Class., VOR; Ident., ROC; Procedure No. TerVOR-10, Amdt. 3; Eff. Date, 28 Jan. 56; Sup. Amdt. No. 2; Dated, 15 Jan. 54

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below:

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
FOT VOR via R-036	SE crs ILS (Final)	Direct	#3500	T-dn	300–1	300–1	200–½
Trinidad Int*	LOM	Direct	3000	C-dn	500–1	500–1	500–2
Trinidad Int*	LMM	Direct	2000	S-dn-31	200–½	200–½	200–½
ACV LFR	LOM	Direct	3000	A-dn	800–2	800–2	800–2

Procedure turn S side SE crs, 134° Outbnd, 314° Inbnd, 3000 within 5 mi SE of LOM. NA beyond 5 mi SE of LOM. (Nonstandard due to terrain.)
Minimum altitude at G.S. int inbnd, 3000.
Altitude of G.S. and distance to appr end of rny at OM 1570′—4.1, at MM 460′—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make a left climbing turn, climb to 2000′ on crs of 295° from the LMM to Trinidad Int.
NOTE: Procedure not authorized with G.S. inoperative. Either the outer marker (visual) or the LOM must be operative.
*Int of R-341 FOT and 115 brng to ACV LMM or 121 brng to ACV LOM.
#After intercepting localizer, descent on Glide Slope is authorized.

City, Arcata; State, Calif.; Airport Name, Arcata; Elev., 217′; Fac. Class., ILS; Ident., ACV; Procedure No. 1, Amdt. 5; Eff. Date, 12 Mar. 60; Sup. Amdt. No. 4; Dated, 16 Aug. 54

Augusta VOR	LOM	Direct	1800	T-dn	300–1	300–1	#200–½
Augusta LFR	LOM	Direct	1700	C-dn	600–1	600–1	600–1¼
City Int	LOM	Direct	1600	S-dn-35	*200–½	*200–½	*200–½
Sardis Int	LOM	Direct	1500	A-dn	600–2	600–2	600–2

Procedure turn W side S crs 168° Outbnd, 348° Inbnd, 1500′ within 10 mi. (Nonstandard due to prohibited area.)
Minimum altitude at G.S. int inbnd, 1500′.
Altitude of G.S. and distance to approach end of rny at OM 1470′—4.3; at MM 332′—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000′ on N crs ILS (348°) within 20 miles or, when directed by ATC, turn left and climb to 1800′ on W crs AGS LFR within 20 miles or, turn left, climb to 2000′ and proceed direct to AGS VOR.
#300-1 required on Runway 26.
*400–¾ required with glide slope inoperative.

City, Augusta; State, Ga.; Airport Name, Bush; Elev., 142′; Fac. Class., ILS; Ident., I-AGS; Procedure No. ILS-35, Amdt. 7; Eff. Date, 12 Mar. 60; Sup. Amdt. No. 6; Dated, 2 May 59

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Boston LFR	LOM	Direct	1800	T-dn%¢	300-1	300-1	200-½
East Boston Int	LOM	Direct	1500	C-dn	*500-1	600-1	600-1½
Franklin Int	ILS SW crs**	085—12.4	1800	S-dn-4R¢	#200-½	#200-½	#200-½
Bedford RBn	LOM	Direct	2300	A-dn	600-2	600-2	600-2
Radar terminal area transitions	Radar Site	Within 25 mi	@1800				

Procedure turn E side S crs, 215° Outbnd, 035° Inbnd, 1800′ within 10 mi.
Minimum altitude at glide slope int inbnd, 1800′.
Altitude of glide slope and distance to appr end of rny at OM, 1790′—5.6 mi; at MM, 270′—0.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing LOM, climb to 1300′ on NE crs ILS within 15 mi or, when directed by ATC, make a climbing right turn to 1500′ on East crs of Boston LFR.
CAUTION: ILS point of touchdown approx. 3500′ in from approach end of runway pavement to allow clearance of ship channel. 1349′ TV tower 10.5 mi W of airport Circling minimums do not provide standard clearance over 370′ stack SW of airport.
NOTE: All fixes may be determined and supplemented by surveillance radar.
%Except where radar vectoring is used, and when weather is 1000-3 or below, departures from Rny 27 make left or right turn as soon as practicable, and departures from Rnys 22 and 33 climb straight ahead to at least 1000′ prior to proceeding toward 1349′ WBZ-TV tower.
¢Ceiling 200 feet and runway visual range 2600 feet also authorized for takeoff and landing on Runway 4 provided all components of the ILS and related airborne equipment are in satisfactory operating condition.
#400¾ required with glide slope inoperative.
@Except 2300′ when more than 6 miles from airport between SW and NW crs of BOS LFR.
*600-1 required when circling W of airport.
**Final authorized after interception of final approach course inbound.

City, Boston; State, Mass.; Airport Name, Logan; Elev., 19′; Fac. Class., ILS; Ident., BOS; Procedure No. ILS-4R, Amdt. 11; Eff. Date, 12 Mar. 60; Sup. Amdt. No. 10; Dated, 7 Feb. 59

Lakeville Int*	LOM	Direct	2,500	T-dn	300-1	300-1	200-½
South Bend LFR	LOM	Direct	2,000	C-dn	500-1	500-1	500-1½
South Bend VOR	LOM	Direct	2,000	S-dn 27:			
Goshen LFR via crs 311 (ILS only)	E crs ILS (ILS final)	Direct	2,200	ILS ADF	200-½	200-½	200-½
Goshen LFR (ADF transition)	LOM	Direct	2,500	A-dn:			
Goshen VOR via R-333 (ILS only)	E crs ILS (ILS final)	Direct	2,500	ILS ADF	500-1	500-1	500-1
Goshen VOR (ADF transition)	LOM	Direct	2,500		600-2	600-2	600-2
Long Lake Int	LOM	Direct	2,000		800-2	800-2	800-2

Procedure turn N side of crs, 088° Outbnd, 268° Inbnd, 2000′ within 10 mi.
Minimum altitude at glide slope int inbnd, 2000′ ILS. Min. alt. inbnd final, 1500′ ADF.
Altitude of glide slope and distance to approach end of runway at OM, 1900′—3.8; at MM, 975′—0.6.
If visual contact not established upon descent to authorized landing minimums of if landing not accomplished within 3.8 mi after passing LOM, climb to 2100′ on W crs SBN LFR or when directed by ATC:
(1) Make right climbing turn to 2100′ on N crs SBN LFR.
(2) Make right turn, climb to 2000′ on R-003 SBN.
*Lakeville Int—Int R-170 SBN and R-270 GSH.

City, South Bend; State, Ind.; Airport Name, St. Joseph County; Elev., 778′; Fac. Class., ILS-SBN; Ident., LOM-SB; Procedure No. ILS-27, Comb. ILS-ADF, Amdt. 10; Eff. Date, 12 Mar. 60; Sup. Amdt. No. 9; Dated, 6 Feb. 60

SPS-VOR	LOM	114—8.2	3000	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-33	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Procedure turn E side of crs, 148° Outbnd, 328° Inbnd, 2,300′ within 10 miles. Nonstandard due obstructions West.
Altitude of glide slope and distance to approach end of Rnwy at OM, 2100′—3.8 mi; at MM, 1194′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000′ on NW crs of ILS within 20 miles.

City, Wichita Falls; State, Tex.; Airport Name, Sheppard AFB/Mun.; Elev., 1014′; Fac. Class., ILS; Ident., I-SPS; Procedure No., ILS-33, Amdt. Orig.; Eff. Date, 12 Mar. 60

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
					Precision approach		
All directions	Radar site	Within 25 mi	#1800	C-dn-4R	*500-1	600-1	600-1½
				S-dn 4R¢	200-½	200-½	200-½
				A-dn 4R	600-2	600-2	600-2
					Surveillance approach		
				T-dn%¢	300-1	300-1	200-½
				S or C-dn**	700-1	700-1	700-1½
				C-dn*** ##	600-1	600-1	600-1½
				S-dn*** ##	600-1	600-1	600-1
				C-dn###	*500-1	600-1	600-1½
				S-dn###	500-1	500-1	500-1
				A-dn-A11	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1300′ on the N crs of the Boston LFR within 8 mi. Alternate missed approach when requested by ATC: Climb to 1500′ on E crs of the Boston LFR within 10 mi.

#Except 2300′ when more than 6 mi from airport between NW and SW crs Boston LFR.

##CAUTION: Standard clearance not provided over 370′ stack SW of airport.

###Runways 27 and 33.

*600-1 required when circling W of airport.

**Runways 4L, 4R, and 15.

***Runways 22L and 22R.

%Except where radar vectoring is used, and weather is 1000-3 or below, departures from Rnwy 27 make left or right turn as soon as practicable, and departures from Rnwys 22 and 33 climb straight ahead to at least 1000′ prior to proceeding toward 1349′ WBZ-TV tower.

¢Ceiling 200′ and runway visual range 2600′ also authorized for takeoff and landing on Runway 4 provided all components of the PAR and related equipment are in satisfactory operating condition.

City, Boston; State, Mass.; Airport Name, Logan; Elev., 19′; Fac. Class., Logan; Ident., Radar; Procedure No. 1, Amdt. 9; Eff. Date, 12 Mar. 60; Sup. Amdt. No. 8; dated, 11 Apr. 59

These procedures shall become effective on the dates indicated on the procedures.

(Secs. 313(a), 307(c); 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on February 12, 1960.

OSCAR BAKKE,
Director, Bureau of Flight Standards.

[F.R. Doc. 60-1555; Filed, Feb. 18, 1960; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Miscellaneous Amendments

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500) the regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR, 146a.51 (24 F.R. 9732); 21 CFR, 1958 Supp., 146c.217; 146c.255 (24 F.R. 8227)) are amended as indicated below:

1. Section 146a.51(c) is amended by changing subparagraph (1)(vi) to read as follows:

§ 146a.51 Buffered penicillin powder, penicillin powder with buffered aqueous diluent.

* * * * *

(c) *Labeling.* * * *

(1) * * *

(vi) The statement "Expiration date ----------," the blank being filled in with the date that is 24 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 36 months after the month during which the batch was certified if it is crystalline penicillin with no other ingredients; or the blank may be filled in with the date that is 48 months or 60 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section;

2. Section 146c.217 is amended by changing paragraph (a) to read as follows:

§ 146c.217 Chlortetracycline calcium syrup (chlortetracycline calcium oral drops); tetracycline syrups (tetracycline oral drops); tetracycline magnesium syrup (tetracycline magnesium oral drops).

(a) *Standards of identity, strength, quality, and purity.* Chlortetracycline calcium syrup, tetracycline syrup, and tetracycline magnesium syrup are syrups that contain chlortetracycline calcium prepared from crystalline chlortetracycline hydrochloride, tetracycline, or tetracycline magnesium prepared from tetracycline, with or without one or more suitable sulfonamides, analgesic substances, antihistaminics, caffeine, glucosamine hydrochloride, *N*-acetylglucosamine, and one or more suitable and harmless buffer substances, suspending and stabilizing agents, and preservatives, suspended in a suitable and harmless vehicle. Each milliliter shall contain a quantity of chlortetracycline calcium or tetracycline or tetracycline magnesium equivalent to not less than 25 milligrams of chlortetracycline hydrochloride or tetracycline hydrochloride. The pH is not

less than 6.5 nor more than 9.0, except if it is tetracycline syrup the pH is not less than 3.5 nor more than 6.0, except if it contains *N*-acetylglucosamine the pH is not less than 5.0 and not more than 7.5. The crystalline chlortetracycline hydrochloride used conforms to the requirements of § 146c.201(a), except § 146c.201(a) (2), (4), and (5). The crystalline tetracycline used conforms to the requirements of § 146c.220. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

§ 146c.255 [Amendment]

3. In § 146c.255 *Demethylchlortetracycline syrup* * * *, the second sentence of paragraph (a) is amended by changing the words "60 milligrams" to read "15 milligrams".

Notice and public procedures are not necessary prerequisites to the promulgation of this order, and I so find, since the amendments have been drawn in collaboration with interested members of the affected industry, and it would be against public interest to delay providing therefor.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: February 12, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-1570; Filed, Feb. 18, 1960; 8:48 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Bulletin 1, 1959, Supp. 1, Amdt. 2, Flaxseed]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1959-Crop Flaxseed Loan and Purchase Agreement Program

BASIC COUNTY SUPPORT RATE

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 24 F.R. 3036 and 8480, and containing the specific requirements of the 1959-Crop Flaxseed Price Support Program are hereby amended as follows:

Section 421.4483(c) is amended by increasing the basic county support rate for Modoc County, California from $2.39 per bushel to $2.40 per bushel.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; sec. 301, 401, 63 Stat. 1054; 15 U.S.C. 714c, 7 U.S.C. 1447, 1421)

Issued this 16th day of February 1960.

CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 60-1585; Filed, Feb. 18, 1960; 8:50 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION OF ANIMAL DISEASES

PART 53—FOOT-AND-MOUTH DISEASE, PLEUROPNEUMONIA, RINDERPEST, AND OTHER CONTAGIOUS OR INFECTIOUS ANIMAL DISEASES WHICH CONSTITUTE AN EMERGENCY AND THREATEN THE LIVESTOCK INDUSTRY OF THE COUNTRY

Determination of Existence of Disease; Agreements With States

Pursuant to the provisions of section 3 of the Act of May 29, 1884, 23 Stat. 32, as amended, section 11 of the Act of May 29, 1884, 58 Stat. 734, as amended, and section 2 of the Act of February 2, 1903, 32 Stat. 792, as amended (21 U.S.C. 114, 114a, 111), paragraph (b) of § 53.3 of the regulations pertaining to payment of indemnities for animals destroyed because of foot-and-mouth disease, pleuropneumonia, rinderpest, and other contagious and infectious animal diseases (9 CFR, Part 53), is hereby amended to read:

(b) The appraisal of animals shall be based on the meat, egg production, dairy or breeding value, but in the case of appraisal based on breeding value, no appraisal of any animal shall exceed three times its meat, egg production, or dairy value. Animals and poultry may be appraised in groups providing they are the same species and type and providing that where appraisal is by the head each animal or bird in the group is the same value per head or where appraisal is by the pound each animal or bird in the group is the same value per pound.

(Sec. 11, 58 Stat. 734, as amended; 21 U.S.C. 114a)

Effective date. The foregoing amendment shall become effective upon issuance.

The purpose of this amendment is to clarify the language in § 53.3 by granting specific authority to appraise animals in groups when considered necessary by the appropriate officials.

It is believed the amendment will facilitate the appraisal of animals destroyed under the provisions of this part and will therefore be of benefit to affected persons. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 15th day of February 1960.

M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 60-1567; Filed, Feb. 18, 1960; 8:47 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 14—LEGAL SERVICES, GENERAL COUNSEL

Miscellaneous Amendments

1. In § 14.514, paragraphs (a) and (b) are amended and paragraph (c) is added to read as follows:

§ 14.514 Suits by or against United States or Veterans Administration officials.

(a) When a suit is filed against the United States or the Administrator involving any activities of the Veterans Administration, or a suit is filed against any employee of the Veterans Administration in which is involved any official action of the employee, a copy of the petition and a summary of pertinent facts will be forwarded to the General Counsel, Veterans Administration, who will either take necessary action to cooperate with or receive the cooperation of the Department of Justice or advise the Chief Attorney what action he should take.

(b) In any instance wherein direct submission to a United States attorney for institution of civil action has been authorized by the Department of Justice, the Chief Attorney will furnish the United States attorney a complete report of the facts and applicable law, documentary evidence, names and addresses of witnesses, and in cases wherein Veterans Administration action has been taken, a copy of any pertinent decision rendered. The Chief Attorney will forward to the General Counsel two copies of such report and of any proposed pleading prepared by him, and will render any practicable assistance requested by the United States attorney.

(c) In any case in which the Veterans Administration is entitled to possession of assets or property under the escheat provisions of 38 U.S.C. 3202(e), the gifts provisions of 38 U.S.C. ch. 83 or the General Post Fund provisions of 38 U.S.C. ch. 85, the Chief Attorney will endeavor to obtain possession of such assets or property in any manner appropriate under local procedure and practice, other than litigation. This procedure would include the making of exploratory inquiry of the person having custody or

possession of the assets or property for the purpose of determining whether he would be willing to turn over the property to the Veterans Administration without litigation. If unsuccessful in this effort, a complete report will be submitted by the Chief Attorney to the General Counsel so that appropriate action may be taken to obtain the assistance of the Department of Justice in the matter.

2. In § 14.515, the headnote and paragraph (a) are amended to read as follows:

§ 14.515 Suits involving loan guaranty matters.

(a) In actions for debt and foreclosure or actions similar in substance (including title actions) in which § 36.4319 of this chapter has been complied with, the Chief Attorney is authorized to enter the appearance of and represent the Administrator of Veterans Affairs as his attorney and to file claims for debt, secured and unsecured, in bankruptcy, receivership, or probate proceedings without prior reference to the General Counsel. Any such action will normally be taken within the time prescribed by law as though there had been valid service of process. In all other types of cases, the Chief Attorney will not enter an appearance or file any pleading on behalf of the Administrator except in imperative emergency until authorization is received from the General Counsel after submission of all relevant facts. In doubtful cases, the Chief Attorney will request instructions from the General Counsel, submitting copy of so much of the pleadings or other papers, together with a sufficient recital of the facts as will make clear the background, the issues, and the relief sought. The submission also will include names and addresses of adverse parties and attorneys so that immediate action may be taken if injunctive relief seems proper. Where necessary in any case to preserve rights which might be lost by default if there had been proper service of process, appropriate action will be taken by a special appearance, or, in jurisdictions where a special appearance does not serve the purpose or under State statute or decisions will constitute a general appearance for a later date, by an appearance through amicus curiae, to obtain an extension of time, preferably 30 days or more, in which to appear and plead without prejudice. If not feasible to obtain an extension, the Chief Attorney will explain to adverse counsel by letter, and personally, if desirable, the necessity of deferring all action and will see that the proper judge receives a signed copy of the letter before default day. The letter will point out that there is no valid service of process on the Administrator of Veterans Affairs but will not base the delay on that alone.

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective February 19, 1960.

[SEAL] ROBERT J. LAMPHERE,
Associate Deputy Administrator.

[F.R. Doc. 60-1563; Filed, Feb. 18, 1960; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 963]

[Docket No. AO-309-A1]

MILK IN GREAT BASIN MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at South Salt Lake City, Utah, on December 15, 1959, pursuant to notice thereof issued on December 4, 1959 (24 F.R. 9993).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on January 20, 1959 (25 F.R. 607) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. The definition of producer and producer milk.

2. The definition of pool plants and other plants which are partially regulated.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof.

1. *Definition of "producer" and "producer milk".* The terms "producer" and "producer milk" should be redefined.

The principal producer associations in the Great Basin market requested that the diversion provision in the producer definition be modified by eliminating the requirement of delivery to a pool plant on 3 days of the current or preceding month. The amount of diversion allowed would instead be covered under the definition of "producer milk". Under this arrangement a Grade A dairy farmer would qualify as a producer for the month if his milk is received at a pool plant on one or more days during the month. The quantity of diverted milk which would be considered as producer milk for any producer would be determined in accordance with the limitations prescribed in the producer milk definition. It was proposed that milk diverted would be producer milk up to twice the amount of milk received from the same farmer at pool plants.

These proposed changes would require that if a farmer is to qualify as a producer for the entire month a larger proportion of his milk must be delivered to pool plants than under current order provisions, and thus would require a greater association with the market. The more complete information now available than prior to issuance of the order shows that the proposed requirement better fits those dairy farmers who are genuinely associated with the market. Producers who have been part of the regular market supply will be able to meet the proposed requirements. It is concluded that these changes in the definitions of producer and producer milk should be adopted.

Diversion should also be provided for when a handler desires to have milk of any one of his producers temporarily delivered to the manufacturing facility of the pool plant of another handler. A handler who so diverts milk would be required to account for it as a receipt by him of producer milk for which he would be responsible both as to payments to the producer-settlement fund and to the producer. This provision would apply only when the milk moves from the producer's farm to a receiving facility not qualified for handling milk for fluid consumption located at the other pool plant. The amount of producer milk diverted for each producer to nonpool plants or pool plants would be limited to 200 percent of the amount of such producer's milk not diverted and received at pool plants.

The definition of producer should provide also that a dairy farmer whose primary association is with another Federal order market shall not be a producer on this market. Dairy farmers who are primarily associated with the Western Colorado market (Order No. 80) have occasionally looked to plants in the Great Basin market as an outlet for surplus milk. Prior to the effective time of the Great Basin order, this milk had been received at the plant of the Weber Central Dairy Association and was used for manufacturing purposes. The representative of the producers' association in the Western Colorado market testified that the association desired to continue to use this plant as an outlet for surplus milk of farmers who, under the Federal order in the Western Colorado market, are regularly producers for that market. This outlet for surplus might not be available if such farmers qualified as producers under the Great Basin order whenever their milk was shipped to a pool plant under the Great Basin order.

Inasmuch as the milk in question represents surplus from another market, it should be accounted for as other source milk which is identified as coming from dairy farmers who during the same month are producers under another order. Any other milk in the same tank truckload with that of farmers who are producers under another market cannot be separately identified and should also be considered as other source milk.

The addition of explanatory language in the definition of producer milk was proposed to make clear which handler is the receiving handler in the case of milk picked up at farms by tank trucks operated by a cooperative and delivered to a pool plant. It is already provided in the order that if the cooperative association elects to be the handler, the milk is a receipt of producer milk by the association. The further receipt of the same milk by another handler at a pool plant is accounted for as an interhandler transfer, and not as a receipt of producer milk. The change in the definition would merely state that producer milk received at a pool plant does not include milk received from a cooperative association for which it is the handler.

2. *Pool plants and other regulated plants.* The definition of pool plant should be modified so that plants distributing milk on routes in the marketing area may qualify on the basis of a 50 percent utilization as Class I milk on routes in the months of August through March and a 40 percent utilization as Class I milk on routes in all other months (other than bulk transfers to other approved plants) of the milk from (1) producers for which the plant operator is the receiving handler, and (2) supply plants, providing 10 percent of the Class I disposition on routes is on routes in the marketing area. If more than one approved plant is operated by a handler, he should be permitted to combine the receipts and utilization of these plants for the purpose of qualifying all of them under the percentage requirements. The 500-pound per day exemption from regulation should be eliminated.

The definitions of plants to be regulated depends also on the terms "approved plant" and "route". An approved plant is a plant in which milk or milk products are processed or packaged and from which fluid milk products are disposed of on routes in the marketing area, or a plant which ships milk qualified for fluid consumption to a plant distributing milk on routes in the marketing area. This definition was considered on the record, but no change was recommended. A change adopted for clarification would specify that the second type of plant must be a milk receiving or processing plant but should not include any plants of the first type.

The definition of "route" as now in the order is not adequate in that it is limited to disposition in containers of 5 gallons or less. There is some disposition of fluid milk products in the marketing area, in containers larger than 5 gallons, to establishments where such products are used for fluid consumption. Such disposition should be subject to regulation under the order in the same manner as other Class I milk disposition. Further, in order to assure proper application of regulation, the term "route" should include all disposition by a plant in forms of Class I milk except disposition in bulk to other approved plants or milk which is accounted for as Class II milk disposed of in bulk to plants which are not approved plants. For the purpose of qualifying

plants for pool status, this change in the route definition will give the plant credit for all normal Class I milk disposition except bulk milk disposed of to other pool (or approved) plants. The credit for pool qualification will thus include transfers of packaged milk to other approved plants. This will meet one difficulty which a plant regularly supplying large quantities of packaged milk to other pool plants has experienced in qualifying for pool status.

Other considerations as to the qualification of pool plants relate to the functions of plants within the entire marketing system. The plants which serve as essential parts of the supply system are of various types. Some plants use a high percentage of their milk receipts for Class I disposition, while others use as much as half of their receipts in manufacture of milk products. This situation exists largely because the latter type of plant processes reserve milk for the first type of plant. The reserve is shifted to the first type of plant when needed.

Two plants which distribute milk in the marketing area also process reserve milk for other plants. The plant of the Weber Central Dairy Association at Ogden, Utah, handles reserve milk for plants of several other handlers. The plant of the Hi-Land Dairy Association at Roosevelt, Utah, handles reserve milk for the Association's plant at Murray, Utah. These two plants have disposed of as Class I on routes less than 50 percent of their receipts from Grade A dairy farmers. As a result these plants did not qualify as pool plants until the 50 percent utilization requirement (in Class I) was suspended.

One method of recognizing that some of the milk handled by these plants is reserve for other plants is by distinguishing which handler is accountable under the order as receiving the milk from producers. This is possible because in the case of reserve milk handled at the Ogden plant, a large part of it is milk for which another cooperative association would normally be the handler receiving it from producers in tank trucks operated by it. On the basis of the remaining milk for which the Weber Central Dairy Association would be the handler receiving it from producers, it would be possible to maintain a utilization of 50 percent as Class I milk at nearly all times. In order to allow for the seasonal increase in production in the spring, the utilization requirement in Class I should be 40 percent in April, May, June and July and 50 percent in other months.

In the case of the plant at Roosevelt, the preceding method would not provide relief, since both it and the plant at Murray are operated by the same handler. If the handler is permitted to qualify both plants on the basis of combined receipts and utilization, the combined operation could qualify for pool status on the same basis as other plants in the market. It is concluded that such a combined basis for pool qualification should be adopted. For other purposes, however, the plants should be considered as separate plants.

No plant is now receiving milk from a supply plant. A supply plant is one which is associated with the market on the basis of shipping to plants which distribute in the marketing area. Receipts from a supply plant should be included in the receipts for which a pool plant should show at least 50 percent utilization in Class I as described above or 40 percent in the months of the April–July period.

Producer and handler witnesses requested that the exemption of 500 pounds per day of distribution in the marketing area be eliminated both with respect to the pool plant revision and compensatory payments. It was pointed out that the exemption provision does not fit the situation for which a similar exemption of 2,000 pounds a day was requested in the hearing in October 1958. The deletion of this provision was requested so that it would not be possible for any handler to sell such quantity of milk in the market without being subject to regulation. No objection was made at the hearing to the elimination of this exemption. This proposal would make the order more completely effective and is adopted.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Great Basin Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Great Basin Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of December 1959 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Great Basin marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., this 15th day of February 1960.

CLARENCE L. MILLER,
Assistant Secretary.

Order [1] Amending the Order Regulating the Handling of Milk in the Great Basin Marketing Area

§ 963.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agree-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

ments and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Great Basin marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Great Basin marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 963.7 and substitute the following:

§ 963.7 Producer.

"Producer" means a dairy farmer (except a producer-handler or a dairy farmer who during the current month qualifies as a producer under another Federal milk order) who produces milk in compliance with the inspection requirements of a duly constituted health authority for fluid consumption (as used in this subpart, compliance with inspection requirements shall include production of milk acceptable for fluid consumption to agencies of the United States Government located in the marketing area) which milk is delivered to a pool plant on one or more days during the month.

§ 963.9 [Amendment]

2. In § 963.9(b) delete "§ 963.7" and substitute "§ 963.13".

3. Delete § 963.10 and substitute the following:

§ 963.10 Approved plant.

"Approved plant" means (a) a plant in which milk or milk products are processed or packaged and from which any fluid milk product is disposed of during the month on routes in the marketing area, or (b) a milk receiving or processing plant not described pursuant to paragraph (a) of this section from which milk or skim milk qualified for distribution for fluid consumption is shipped during the month to a plant described in paragraph (a) of this section.

§ 963.11 [Amendment]

4. a. Delete § 963.11(a) and substitute the following:

(a) An approved plant, except the plant of a producer-handler as described in § 963.8, from which during the month there is disposed of on routes fluid milk products equal to not less than 50 percent in the months of August through March and 40 percent in other months of the receipts during the month at such plant or producer milk, producer milk diverted therefrom by the plant operator and receipts at the plant of fluid milk products from plants described pursuant to § 963.10(b), and there are disposed of on routes in the marketing area fluid milk products equal to not less than 10 percent of the total fluid milk product disposition from the plant on routes: *Provided,* That if a handler operates more than one approved plant, the combined receipts and disposition of any of such plants may be used as the basis for qualifying the respective plants pursuant to the preceding computations specified in this paragraph if the handler in writing so requests the market administrator: *And provided further,* That any approved plant from which the total route disposition of fluid milk products is to individuals or institutions for charitable purposes and is without remuneration from such individuals or institutions shall not qualify as a pool plant pursuant to this paragraph.

b. In § 963.11(b) delete the words "diverted pursuant to § 963.7" and substitute the words "diverted pursuant to § 963.13".

§ 963.13 [Amendment]

5. Delete § 963.13 (a) and (b) and substitute the following:

(a) Received from producers at a pool plant but not including producers for which another person is the handler pursuant to § 963.9(c);

(b) Diverted by a handler (not as the operator of a nonpool plant) from a pool plant to a nonpool plant or to a receiving facility not approved for handling milk for fluid consumption located at another pool plant, in an amount for any producer equal to not more than 200 percent of the quantity of milk received from such producer at pool plants (exclusive of milk diverted) during the month: *Provided,* That such diverted milk shall be accounted for as a receipt of producer milk by the handler diverting the milk.

6. Delete § 963.16 and substitute the following:

§ 963.16 Route.

"Route" means any disposition of fluid milk products (including through a vendor or disposition from a plant or plant store) in a form designated as Class I milk pursuant to § 963.41(a) except in bulk form to approved plants and except Class II milk disposition to plants which are not approved plants.

§ 963.42 [Amendment]

7. In the language preceding paragraph (a) delete the words "in the case of transfers to nonpool plants."

§ 963.62 [Amendment]

8. Delete the words "less 500 pounds per day."

§ 963.8 [Amendment]

9. In § 963.8 delete the words "milk of producers by diversion pursuant to § 963.7" and substitute therefor "producer milk diverted pursuant to § 963.13".

[F.R. Doc. 60–1565; Filed, Feb. 18, 1960; 8:47 a.m.]

[7 CFR Part 965]

[Docket No. AO–166–A24]

MILK IN CINCINNATI, OHIO, MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Cincinnati, Ohio, on December 3, 1959, pursuant to notice thereof issued on November 24, 1959 (24 F.R. 9430).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on January 27, 1960 (25 F.R. 807) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. The diversion of producer milk between pool plants, and

2. The elimination of location adjustments applicable to producer milk received at plants within 20–30 miles of Cincinnati.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. Provision should be made for limited diversion of producer milk by handlers between pool plants.

Under the present order the diversion of producer milk is permitted only to nonpool plants. Proprietary handlers may divert producer milk to nonpool plants during any of the months of March through August and a cooperative association may so divert milk during any month of the year. Such diverted milk under specified conditions is deemed to be received at the location of the pool plant from which it is diverted.

The producer bargaining associations proposed that a cooperative association be permitted to divert milk of its producer members between pool plants under certain conditions. It has been necessary for these cooperatives to assume the role of a handler and divert

milk during recent months because of the inability of certain pool plants to store normal daily receipts from the cooperative associations' members on "nonbottling" days, such as weekends and holidays. On a few occasions, because of certain emergency situations resulting from strikes, floods and fires, a similar problem existed. Recently the cooperative associations have had to divert milk to nonpool plants on weekends and some of such milk has been needed the next day or so by pool plants. By diversion of the milk to nonpool plants such milk must be treated as other source milk when returned from the nonpool plant to the market.

One pool plant to which milk might be diverted serves as one of the principal handlers of reserve supplies and is a source of additional milk required by bottling plants. Location adjustments apply at this plant. If the temporary reserve supplies are moved to the plant by the cooperative the milk becomes subject to location adjustments because the milk must be reported by the pool plant physically receiving the milk. This creates a problem for the cooperative association because it is put in the position of arbitrarily choosing the producers whose milk will become subject to location adjustments. This also complicates the accounting for the milk and the payment by the cooperative association of the individual producers whose milk may be received during the same month at plants with location adjustments and those without location adjustments. Furthermore, because of the temporary nature of the need to divert the milk it has not been possible to make adjustment in the farm to plant hauling rates which are charged producers whose milk is diverted even though the distance of the haul may be reduced. Although the cooperative bargaining associations have assumed the responsibility for allocating the milk of its producer members among pool plants in accordance with their requirements for fluid milk, there may be occasions when proprietary handlers also may need to temporarily divert milk to another pool plant. The propriety of permitting a cooperative association to become the handler with respect to milk diverted to pool plants was questioned. In view of the responsibility that is assumed by the cooperative association in moving milk between pool plants and in paying individual producers for their milk, it is appropriate that the cooperative association should be made responsible for reporting such receipts and be accountable to the marketwide pool. This is particularly so in this market because all payments for milk are made through the producer-settlement fund.

In view of the fact that a large proportion of the producer milk in this market is under the control of cooperative associations, there are no serious problems created by providing for limited diversion of milk by both proprietary handlers and cooperatives. The necessity for temporary diversion between pool plants may be accommodated without jeopardizing the allocation of milk among pool plants in accordance with their longer-run requirements and at the same time not permit the diversion privilege to be used as a basis for manipulating the receipts of milk to destroy the economic goals of location adjustments. This should be accomplished by limiting diversions between pool plants to two consecutive days of delivery of the milk of an individual producer and further limiting such diversions within a single month to not more than a total of 10 days of delivery.

A cooperative association in their exceptions stated that to permit diversion between pool plants would allow additional milk supplies to be associated with the Cincinnati market which are not needed for Class I purposes. Since the diversions permitted between pool plants would apply only to milk which is already pooled, in any case the exceptions do not appear to be relevant.

The order now provides for a shrinkage allowance on diverted milk to the handler who diverts the milk. Because any shrinkage will be associated with the receipt and handling of the milk, the shrinkage allowance on milk diverted between pool plants should accrue to the plant which physically receives the milk. The shrinkage provision of the order should be changed accordingly.

2. No location adjustments should be applicable to producer milk received at plants located less than 30 miles from Cincinnati.

At the present time the Class I and uniform prices are reduced four cents by a location adjustment on producer milk received at plants located more than 20 but less than 30 miles from the City Hall in Cincinnati. Prior to May 1, 1959, no location adjustments applied to plants located less than 45 miles from Cincinnati. The present schedule of location adjustments was intended to align Class I prices under the Cincinnati order on a graduated basis with prices under the nearby Dayton-Springfield order. The adjustment of prices in this nearby area have caused difficulties for the cooperative associations. Some of the producer members located in or near these close-in areas furnish milk directly from the farm to plants in the 20–30 mile zone and others in the same area to Cincinnati plants at which no location adjustments apply. Premiums have been paid on a substantial portion of the milk delivered by producers to plants in the 20 to 30 mile zone. Handlers who have paid the f.o.b. marketing area blend prices and have some Class II and Class III utilization have increased their relative cost of milk in relation to other handlers with primarily Class I utilization. This is true also in relation to the costs of handlers who have some Class II and Class III utilization at plants at which no location adjustments apply.

The removal of the location adjustment at plants within the 20–30 mile zone will not affect the relationship of prices at other plants subject to the Cincinnati order located in or near the Dayton-Springfield area. There was no objection to the proposed elimination of location adjustments in the 20–30 mile zone.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to Section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respect classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Cincinnati, Ohio, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Cincinnati, Ohio, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of January, 1960 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Cincinnati, Ohio, marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., this 15th day of February 1960.

CLARENCE L. MILLER,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Cincinnati, Ohio, Marketing Area

§ 965.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Cincinnati, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Cincinnati, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 965.10(c) and substitute therefor the following:

(c) If from a dairy farmer whose milk previously has been received at a pool plant, is either (1) diverted during any of the months of March through August to a nonpool plant for the account of a handler as defined in § 965.11(a)(1); (2) diverted during the month to a nonpool plant for the account of a handler as defined in § 965.11(b); or (3) diverted during the month from a pool plant to another pool plant for the account of a handler as defined in § 965.11 (a)(1) or (b) for not more than two consecutive days of delivery and not more than 10 days of delivery during the month.

2. In § 965.11(b) delete "to a nonpool plant".

3. In § 965.12(b) delete "to a nonpool plant" as it appears therein preceding the proviso.

4. Delete § 965.42(b) and substitute therefor the following:

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat, respectively, in producer milk (including producer milk physically received as diverted milk from another pool plant and excluding producer milk diverted to another pool plant) and other source milk received in the form of a fluid milk product in bulk.

5. From the schedules in §§ 965.53 and 965.75 delete "More than 20 but less than 30_____4.0".

[F.R. Doc. 60-1564; Filed, Feb. 18, 1960; 8:47 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[7 CFR Part 973]

[Docket No. AO-178-A11]

MILK IN MINNEAPOLIS-ST. PAUL MARKETING AREA

Amended and Supplemental Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Basement Auditorium, 1750 Hennepin Avenue, Minneapolis, Minnesota, beginning at 9:00 a.m., c.s.t., on March 3, 1960, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Minneapolis, Minnesota, marketing area. This hearing was originally scheduled for January 22, 1960, but was postponed by an amended notice of hearing issued January 19, 1960 (25 F.R. 610).

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to (1) the proposed amendments, hereinafter set forth, to the tentative marketing agreement and to the order, and (2) the proposed amendments (Nos. 1-15) thereto as set forth in the original notice of this hearing issued January 11, 1960 (25 F.R. 311), and any appropriate modifications of all such proposals.

None of the proposed amendments has received the approval of the Secretary of Agriculture.

Proposed by the Twin City Milk Producers Association:

Proposal No. 16. Review the Class II price formula (§ 973.54) for the purpose of considering a reduction in the "make allowance" of 75.2 cents contained in such formula.

Proposal No. 17. Include in § 973.13 (definition of "handler"), with appropriate correlating changes in other sections of the order, the following language: "That any cooperative association shall be the handler at Class I for milk delivered for the account of such association from the farms of member producers to a nonpool plant(s), and such member shall be considered a producer in § 973.11."

Proposed by Farmers Coop Creamery Co. of Clear Lake, Wisconsin:

Proposal No. 18. Amend § 973.53 by increasing Class I prices by means of increased differentials over the basic formula price and revising the supply-demand percentages.

Proposal No. 19. Amend §§ 973.71, 973.72, 973.83, and 973.84 by adding a "fall premium", or so-called Louisville plan, by creating a special fund accumulated during the spring by withholding a specified amount from payments to all producers, with such amount distributed through the pool to producers the following fall.

Proposed by the Dairy Division, AMS:

Proposal No. 20. In § 973.90 delete the figure "1.5" wherever it appears and substitute therefor the figure "3.0".

Copies of this notice of hearing and the order may be procured from the Market Administrator, Room 307, 1750 Hennepin Avenue, Minneapolis 3, Minnesota, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 16th day of February 1960.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 60-1584; Filed, Feb. 18, 1960; 8:50 a.m.]

[7 CFR Part 1066]

IRISH POTATOES

Importation

Pursuant to the provisions of section 608e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable General Regulations (Part 1060 of this chapter), notice is hereby given that the Secretary of Agriculture is considering the approval of a proposed revision of grade, size, quality and maturity regulations and inspection requirements that are applicable to the importation of Irish potatoes into the United States, 7 CFR 1066.1 Import regulations (24 F.R. 7809) as hereinafter set forth.

The current import regulation (7 CFR 1066.1) makes no distinction between round type red skinned potatoes and other round type potatoes, and all round type potatoes are therein determined to be in most direct competition with marketing of the same type potatoes covered by Order No. 70 during the months of October through the following June and in most direct competition with marketing of the same type potatoes covered by Order No. 57 during the months of July through the following September. The proposal involves the determination that during the months of October through the following June the importation of round type red skinned potatoes is in most direct competition with marketing of the same type potatoes covered by Order No. 38 and during the months of July through the following September are in most direct competition with marketing of the same type potatoes covered by Order No. 57.

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposed revision follows:

§ 1066.1 Import regulations.

(a) *Findings and determinations with respect to imports of Irish potatoes.* (1) Pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby found that:

(i) Grade, size, quality, and maturity regulations have been issued from time to time pursuant to the following marketing orders: No. 38 (Part 938 of this chapter), No. 57 (Part 957 of this chapter), No. 58 (Part 958 of this chapter), No. 59 (Part 959 of this chapter), No. 70 (Part 970 of this chapter), and No. 92 (Part 992 of this chapter);

(ii) During the past several years grade, size, quality and maturity regulations have been in effect pursuant to two or more of such orders during each month of the year;

(iii) The marketing of Irish potatoes can be reasonably distinguished by two seasonal categories, namely, first, fall or winter potatoes usually marketed during the months of October through the following June, with the great bulk of such marketings being out of storage, and, second, potatoes marketed during July through September, with the great bulk of such marketings being made as the potatoes are harvested;

(iv) Concurrent grade, size, quality, and maturity regulations under two or more of the aforesaid marketing orders are expected in the ensuing and future seasons, as in the past.

(2) Therefore it is hereby determined that:

(i) Imports of red skinned round type potatoes during the months of October through the following June are in most direct competition with marketing of the same type potatoes produced in the area covered by Order No. 38.

(ii) Imports of all other round type potatoes during the months of October through the following June are in most direct competition with the marketing of the same type potatoes produced in the area covered by Order No. 70;

(iii) Imports of all round type, including red skinned round type of potatoes during the months of July through September are in most direct competition with potatoes of the same type produced in the area covered by Order No. 57; and

(iv) Imports of long type potatoes during each month of the marketing year are in most direct competition with potatoes of the same type produced in the area covered by Order No. 57.

(b) *Grade, size, quality and maturity requirements.* On and after October 1, 1960, the importation of Irish potatoes, except certified seed potatoes, shall be prohibited unless they comply with the following requirements:

(1) For the period July 1 through September 30 of each marketing year, the grade, size, quality, and maturity requirements of Marketing Order No. 57 applicable to potatoes of the long or round types, including round type red skinned, shall be the respective grade, size, quality and maturity requirements for imported potatoes of the long or round types, including round type red skinned potatoes.

(2) For the period October 1 through June 30 of each marketing year, the grade, size, quality and maturity requirements of Marketing Order No. 57 applicable to long type potatoes and the grade, size, quality and maturity requirements of Marketing Order No. 38 applicable to red skinned round type potatoes, and the grade, size, quality, and maturity requirements of Marketing Order No. 70 for all other round varieties shall be the respective grade, size, quality and maturity requirements for potatoes imported.

(3) The grade, size, quality and maturity requirements specified in this paragraph shall apply to imports of potatoes, unless otherwise ordered, on and after the effective date of the applicable domestic regulation or amendment thereto, specified in this paragraph or three days following publication of such regulation or amendment in the FEDERAL REGISTER, whichever is later.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

FEBRUARY 15, 1960.

[F.R. Doc. 60–1566; Filed, Feb. 18, 1960; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 59–KC–75]

CONTROL ZONES AND CONTROL AREAS

Modification of Control Zone and Designation of Control Area Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 and § 601.2119 of the regulations of the Administrator, the substance of which is stated below.

The Peoria, Ill., control zone is presently designated within a 5-mile radius of the Greater Peoria Airport with an extension 12 miles to the north of the Peoria radio range, based on the north course of the Peoria radio range, and an extension to the west, based on the Peoria VOR 102° and 282° radials extending to a point 12 miles west of the VOR. The Federal Aviation Agency has under consideration modification of the Peoria control zone by adding an extension to the southeast based on a ILS localizer to be installed approximately February 1, 1960, at the Greater Peoria Airport, at latitude 40°40'17" N., longitude 89°42'-34" W., extending from the 5-mile radius zone to the Peoria outer marker which is to be located at latitude 40°36'23" N., longitude 89°35'36" W. Designation of this extension to the Peoria control zone would provide protection for aircraft conducting ILS approaches to the Greater Peoria Airport.

At present, there is no control area extension designated at Peoria. The Federal Aviation Agency has under consideration the designation of a control area extension within a 25-mile radius of Greater Peoria Airport to provide protection for jet and conventional aircraft conducting instrument operations at the Greater Peoria Airport.

If these actions are taken, the Peoria, Ill., control zone would be designated within a 5-mile radius of the Greater Peoria Airport, within 2 miles either side of the north course of the Peoria radio range extending from the 5-mile radius zone to a point 12 miles north of the radio range; within 2 miles either side of the Peoria VOR 102° and 282° True radials extending from the 5-mile radius zone to a point 12 miles west of the VOR; and within 2 miles either side of the Peoria ILS localizer southeast course extending from the 5-mile radius zone to the outer marker. A control area extension would be designated within a 25-mile radius of the Greater Peoria Airport.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the

FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on February 15, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-1552; Filed, Feb. 18, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59-WA-164]

CONTROL ZONES

Modification of Proposal

In a Notice of Proposed Rule Making, published as Airspace Docket No. 59-WA-164, in the FEDERAL REGISTER on October 28, 1959 (24 F.R. 8748), it was stated that the Federal Aviation Agency proposed to modify the Rochester, Minn., control zone by redesignating the southwest control zone extension on the Rochester VOR 027° True radial in place of the Rochester VOR 222° and 042° True radials. This proposal was in connection with the relocation of the Rochester VOR. Subsequent to the Notice, re-evaluation of the instrument approach procedures to be prescribed for approaches to Lobb Field, based on the relocated Rochester VOR, has disclosed that there will no longer be a requirement for a control zone extension based on the VOR. In view of this re-evaluation, notice is hereby given that the original Notice is amended to propose revocation of the southwest extension.

If this action is taken, the Rochester, Minn., control zone would be redesignated within a 5-mile radius of Lobb Field, Rochester, and within 2 miles either side of the south course of the radio range extending from the 5-mile radius zone to a point 12 miles south of the radio range.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the closing date for filing such material shall be extended to Feb. 29, 1960.

In view of the above and pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the time within which comments will be received for consideration on Airspace Docket No. 59-WA-164 is extended to February 29, 1960.

(Secs. 307(a), 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354))

Issued in Washington, D.C., on February 15, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-1553; Filed, Feb. 18, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59-LA-28]

CONTROL AREAS AND CONTROL ZONES

Modification of Control Area Extension and Control Zone

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 and §§ 601.1349 and 601.1983 of the regulations of the Administrator, the substance of which is stated below.

The Redmond, Oregon control area extension is presently designated within 5 miles either side of the northwest course of the Redmond radio range extending from the radio range to a point 17 miles northwest and within 5 miles either side of the Redmond VOR 125° True radial extending from the VOR to a point 15 miles southeast. The Redmond VOR is to be relocated in March of 1960, to latitude 44°15'11" N., longitude 121° 18'09" W. The Federal Aviation Agency has under consideration modification of this control area to include the area 5 miles either side of the northwest course of the Redmond radio range, extending from the radio range to a point 17 miles northwest, within 5 miles either side of the southeast course of the Redmond radio range extending from the radio range to a point 15 miles southeast and within 5 miles either side of the 270° and 090° True radials of the relocated Redmond VOR extending from 17 miles west to 8 miles east of the VOR.

The Redmond-Roberts Field control zone is presently designated within a 3-mile radius of Redmond-Roberts Field. The Federal Aviation Agency has under consideration modification of this control zone to include the area within a 5-mile radius of Redmond-Roberts Field and within 2 miles either side of the Redmond VOR 090° True radial, extending from the 5-mile radius control zone to the relocated VOR.

The control area extension to the west would provide protection for aircraft conducting instrument approaches on the relocated VOR. The control area extension to the northwest provides protection for aircraft conducting instrument approaches on the L/MF radio range. The control area extension to the southeast provides protection for aircraft conducting shuttle descents to 7,000 feet MSL prior to execution of the standard instrument approach on the northwest course of the L/MF radio range. This extension would also provide protection for aircraft departing Redmond-Roberts Field to the southeast. The enlarged control zone would provide protection for the increased number of aircraft arriving and departing the airport during instrument flight rule weather conditions. The Federal Aviation Agency records of airport operations for Redmond-Roberts Field show that there were 443 instrument approaches by air carrier aircraft, 15 by general aviation aircraft and 15 by military aircraft during the period July 1, 1958, through June 30, 1959. The proposed extension to the control zone would provide protection for aircraft executing standard instrument approaches on the relocated VOR.

VOR Federal airways Nos. 25, 281, 283 and 1533, which are predicated in part on the VOR, are designated direct station-to-station and would be automatically realigned via the relocated VOR. Accordingly, no amendment to such airways would be necessary.

If these actions are taken, the Redmond, Oreg., control area extension and the Redmond-Roberts Field control zone would be designated as follows:

Redmond, Oreg., control area extension. Within 5 miles either side of the Redmond radio range northwest and southeast courses extending from 17 miles northwest to 15 miles southeast of the radio range; and within 5 miles either side of the Redmond VOR 090° True and 270° True radials extending from 17 miles west to 8 miles east of the VOR.

Redmond, Oreg., Redmond-Roberts Field control zone. Within a 5-mile radius of Redmond-Roberts Field (latitude 44°15'11" N., longitude 121°08'55" W.), and within 2 miles either side of the 090° True radial of the Redmond VOR extending from the 5-mile radius control zone to the VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington

25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C. on February 15, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60–1554; Filed, Feb. 18, 1960; 8:45 a.m.]

Notices

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13387-13388; FCC 60M-293]

ALVARADO TELEVISION CO., INC. (KVOA-TV) AND OLD PUEBLO BROADCASTING CO. (KOLD-TV)

Order Scheduling Prehearing Conference

In re applications of Alvarado Television Co., Inc. (KVOA-TV), Tucson, Arizona, Docket No. 13387, File No. BPCT-2685; Old Pueblo Broadcasting Company (KOLD-TV), Tucson, Arizona, Docket No. 13388, File No. BPCT-2686, for construction permits to change existing facilities.

It is ordered, This 12th day of February 1960, that a prehearing conference, pursuant to § 1.111 of the Commission's rules, will be held in the above-entitled matter commencing at 2:00 p.m., March 1, 1960, in the Commission's offices in Washington, D.C.[1]

Released: February 15, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60-1572; Filed, Feb. 18, 1960; 8:49 a.m.]

[Docket No. 13383; FCC 60M-302]

RAYMOND D. BALCH

Order Scheduling Hearing

In the matter of Raymond D. Balch, Seattle, Washington, Docket No. 13383, suspension of Amateur Radio Operator License (W8ZVL).

It is ordered, This 15th day of February 1960, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 13, 1960, in Washington, D.C.

Released: February 16, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60-1573; Filed, Feb. 18, 1960; 8:49 a.m.]

[Docket No. 12837 etc.; FCC 60M-294]

BIRNEY IMES, JR., ET AL.

Order Continuing Hearing

In re applications of Birney Imes, Jr., West Memphis, Arkansas, Docket No. 12837, File No. BP-11465; Newport Broadcasting Company, West Memphis, Arkansas, Docket No. 12839, File No. BP-12113; Crittenden County Broadcasting Company, West Memphis, Arkansas, Docket No. 12840, File No. BP-12405; Garrett Broadcasting Corporation, West Memphis, Arkansas, Docket No. 13057, File No. BP-12987; for construction permits.

The Hearing Examiner having under consideration the informal request of Newport Broadcasting Company for continuance of procedural dates in the above-entitled proceeding;

It appearing, that the exhibits to be offered in evidence in the presentation of direct affirmative cases are presently scheduled to be exchanged on February 23, 1960 with hearing to commence on March 21, 1960, which dates it is requested to be continued to March 15, 1960 and April 20, 1960, respectively;

It further appearing, that all parties having consented to immediate consideration and grant of the said request and good cause for a grant thereof is present, in that counsel for the Commission's Broadcast Bureau has a conflict in hearing dates;

It is ordered, This 12th day of February 1960 that said request is granted and the date for exchange of exhibits is continued to March 15, 1960;

It is further ordered, That the hearing herein presently scheduled to commence on March 21, 1960, is continued to April 20, 1960.

Released: February 15, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60-1574; Filed, Feb. 18, 1960; 8:49 a.m.]

[Docket Nos. 13341-13344; FCC 60M-305]

CREEK COUNTY BROADCASTING CO. ET AL.

Order Following Prehearing Conference

In re applications of T. M. Raburn, Jr., tr/as Creek County Broadcasting Co., Sapulpa, Oklahoma, Docket No. 13341, File No. BP-11605; Tinker Area Broadcasting Co., Midwest City, Oklahoma, Docket No. 13342, File No. BP-12410; Sapulpa Broadcasting Corporation, Sapulpa, Oklahoma, Docket No. 13343, File No. BP-12595; M. W. Cooper, Midwest City, Oklahoma, Docket No. 13344, File No. BP-12887; for construction permits.

A prehearing conference in the above proceeding having been held on February 15, 1960, and it appearing that certain agreements and understandings reached by counsel and approved by the Hearing Examiner ought to be formalized in an order and govern the conduct of the hearing;

It is ordered, This 16th day of February 1960, as follows:

(1) Due to the fact that several of the engineering consultants of the parties are located in cities distant from Washington, D.C., that the engineering consultants will require more time to prepare for the hearing than the presently scheduled date for commencement of the hearing will allow, and due also to other commitments of counsel for the parties, the hearing is to commence on May 10, 1960, instead of April 5th.

(2) The parties are to exchange among themselves, and with counsel for the Commission's Broadcast Bureau, a complete draft of engineering exhibits in support of their direct cases under the issues by no later than March 28, 1960.

(3) All exhibits, engineering and non-engineering alike, in final form, are to be exchanged by the parties (with copies to the Hearing Examiner) by April 18, 1960.

(4) A further prehearing conference is to be scheduled for April 28, 1960 for the express purpose of attempting to reach agreement upon as many matters as possible so as to expedite the progress of the hearing.

(5) On the occasion of the further prehearing conference counsel are to be prepared to make known, informally and among themselves, as many of their objections as possible to the material previously exchanged, with a view to the elimination of objectionable matter from these exhibits in advance of the hearing.

(6) The non-engineering presentations in certain specified areas (e.g., programming), as set forth in the transcript of the February 15th prehearing conference, are to be made entirely in the form of affidavits by persons having knowledge of the facts (limited, however, to the affirmative direct cases of each of the applicants); these particular exhibits to be frozen as of April 18th, no party being permitted to vary or change same by other oral or written evidence except for corrective purposes, and for good cause shown; all other portions of the non-engineering cases to be presented orally or in writing, as the parties choose, but in any event if in writing such exhibits are to be exchanged likewise by April 18th.

(7) The transcript of the February 15th prehearing conference reflects a number of agreements and understandings which the parties have stipulated need not be repeated in this order; but in order to resolve any questions or doubts the said transcript is hereby incorporated herein by reference and, together with this order, it shall be considered as encompassing the basic ground rules which are to govern the conduct of the hearing.

It is further ordered, That the hearing heretofore scheduled to commence on April 5, 1960, is hereby continued to May 10, 1960, at 10:00 a.m. in the offices of the Commission at Washington, D.C. and that a further prehearing conference is

[1] It is urged that counsel for the parties make every effort beforehand to meet informally to resolve as many of the matters under § 1.111 as possible.

hereby scheduled for April 28, 1960, at the same time and place.

Released: February 16, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60-1575; Filed, Feb. 18, 1960; 8:49 a.m.]

[Docket No. 13395; FCC 60M-303]

MICRORELAY OF NEW MEXICO, INC.

Order Scheduling Hearing

In re applications of Microrelay of New Mexico, Inc., Roswell, New Mexico, Docket No. 13395; for construction permit for new video radio station near Corona, New Mexico, File No. 664-C1-P-60, Station KLN76; for construction permit for new video radio station at Boy Scout Mountain, New Mexico, File No. 665-C1-P-60, Station KLN 77.

It is ordered, This 15th day of February 1960, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 18, 1960, in Washington, D.C.

Released: February 16, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60-1576; Filed, Feb. 18, 1960; 8:49 a.m.]

[Docket Nos. 12993-12996; FCC 60M-288]

S & W ENTERPRISES, INC., ET AL.

Order Continuing Hearing Conference

In re applications of S & W Enterprises, Inc., Woodbridge, Virginia, Docket No. 12993, File No. BP-11438; Interurban Broadcasting Corporation, Laurel, Maryland, Docket No. 12994, File No. BP-12058; Rollins Broadcasting of Delaware, Inc. (WJWL), Georgetown, Delaware, Docket No. 12995, File No. BP-12229; Milton Grant and James R. Bonfils, d/b as Laurel Broadcasting Company, Laurel, Maryland, Docket No. 12996, File No. BP-12841; for construction permits.

The Hearing Examiner having before him a petition filed by Rollins Broadcasting of Delaware, Inc., on February 10, 1960, in which it is requested that various dates now scheduled for future steps in the above-entitled proceedings be advanced; and

It further appearing that the other parties to the proceeding have consented to grant of the continuances requested;

It is ordered, This 11th day of February 1960, that the above-described petition is granted; and the following changes are made in the schedule governing this proceeding:

Exchange of Engineering Showings extended from February 11 to February 18, 1960;

Further Pre-Hearing Conference extended from February 16 to February 24, 1960;

Second Informal Engineering Conference extended from February 18 to February 25, 1960.

Released: February 12, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60-1577; Filed, Feb. 18, 1960; 8:49 a.m.]

[Docket No. 11314; FCC 60M-299]

SPARTAN RADIOCASTING CO. (WSPA-TV)

Order Continuing Hearing

In re application of the Spartan Radiocasting Company, (WSPA-TV), Spartanburg, South Carolina, Docket No. 11314, File No. BMPCT-2042; for modification of construction permit.

The Hearing Examiner having under consideration a motion by the protestants, filed February 11, 1960, for continuance of hearing in the above-entitled proceeding which by order released February 9, 1960 was scheduled to be resumed on February 17, 1960;

It appearing, that the applicant and the Commission's Broadcast Bureau, the only other parties to the proceeding, support protestants' motion, both urging that considerations of expediency in the conduct of the hearing prompt a postponement pending action by the Commission on protestants' petition to review rulings of the Hearing Examiner denying their requests for the issuance of subpoenas duces tecum;

It appearing further, that good cause exists to warrant the granting of the instant pleading;

Accordingly, it is ordered, This 15th day of February 1960, that the motion is granted and that hearing in the above-entitled proceeding is continued indefinitely, pending review by the Commission of certain rulings of the Hearing Examiner.

Released: February 15, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60-1578; Filed, Feb. 18, 1960; 8:49 a.m.]

[Docket Nos. 12991, 12992; FCC 60M-295]

SUBURBAN BROADCASTING CO., INC., AND CAMDEN BROADCASTING CO.

Order Continuing Hearing

In re applications of Suburban Broadcasting Company, Inc., Mount Kisco, New York, Docket No. 12991, File No. BPH-2620; Donald Jerome Lewis, tr/as Camden Broadcasting Co., Newark, New Jersey, Docket No. 12992, File No. BPH-2624, for construction permits for new FM broadcast stations.

The Chief Hearing Examiner, having under consideration a motion by Suburban Broadcasting Company, Inc., filed February 12, 1960, for a continuance of hearing in the above-entitled proceeding;

It appearing, that hearing herein is scheduled to commence February 15, 1960, and that good cause is shown to warrant the continuance sought;

It appearing further, that all parties to the proceeding consent to the granting of the instant pleading;

It is ordered, This 12th day of February 1960, that the motion is granted and that hearing in the above-entitled proceeding is continued to a date to be specified by the presiding Hearing Examiner.

Released: February 15, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60-1579; Filed, Feb. 18, 1960; 8:49 a.m.]

[Docket Nos. 13210-13212; FCC 60M-289]

FRANK A. TAYLOR ET AL.

Order Scheduling Hearing

In re applications of Frank A. Taylor, Haines City, Florida, Docket No. 13210, File No. BP-11884; Zephyr Broadcasting Corp., Zephyrhills, Florida, Docket No. 13211, File No. BP-12291; Myron A. Reck (WTRR), Sanford, Florida, Docket No. 13212, File No. BP-12900; for construction permits.

Pursuant to prehearing conference as of this date in the above-entitled proceeding: *It is ordered,* This 11th day of February 1960, that there will be an exchange of tentative drafts of engineering exhibits on or before March 29, 1960, and an exchange of the final engineering exhibits on or before April 26, 1960;

It is further ordered, That there will be an exchange of the written case of the parties relating to non-engineering features on or before May 10, 1960, and all parties will notify other parties of the witnesses that are desired for cross-examination on or before May 18, 1960; and

It is further ordered, That hearing herein will commence on May 24, 1960, at 10:00 o'clock a.m., in the offices of the Commission, Washington, D.C.

Released: February 12, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60-1580; Filed, Feb. 18, 1960; 8:50 a.m.]

[Docket Nos. 12952, 12953; FCC 60M-287]

WBUD, INC., AND CONCERT NETWORK, INC.

Order Scheduling Hearing

In re applications of WBUD, Inc., Trenton, New Jersey, Docket No. 12952, File No. BPH-2600; Concert Network, Inc., Trenton, New Jersey, Docket No. 12953, File No. BPH-2619; for construction permits for new FM broadcast stations.

Pursuant to prehearing conference as of this date in the above-entitled proceeding: *It is ordered,* This 11th day of February 1960, that there will be an informal exchange of engineering exhibits on or before April 20, 1960, and the final exchange of engineering exhibits will be accomplished on or before May 4, 1960;

It is further ordered, That WBUD, Inc., will submit to the other parties its exhibit as it relates to Issue No. 3 on or before May 4, 1960 and the final exchange of lay exhibits will be made on or before May 18, 1960; and

It is further ordered, That all parties on or before May 27, 1960, will notify the other parties as to the witnesses that are desired for cross-examination, and the hearing will commence on June 7, 1960, at 10:00 o'clock a.m., in the offices of the Commission, Washington, D.C.

Released: February 12, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60-1581; Filed, Feb. 18, 1960; 8:50 a.m.]

[Docket No. 11757; FCC 60M-290]

DOUGLAS H. McDONALD AND WTVW

Order Scheduling Hearing

In the matter of order directing Douglas H. McDonald, Trustee, permittee of Television Station WTVW, Channel 7, Evansville, Indiana, to show cause why authorization for Station WTVW, Evansville, Indiana, should not be modified to specify operation on Channel 31 in lieu of Channel 7; Docket No. 11757.

Upon verbal request of counsel for the Commission's Broadcast Bureau: *It is ordered,* This 11th day of February 1960, that hearing in this proceeding will commence on March 15, 1960, at 10:00 o'clock a.m. in the offices of the Commission, Washington, D.C.

Released: February 15, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60-1582; Filed, Feb. 18, 1960; 8:50 a.m.]

[Docket No. 13187; FCC 60M-285]

WESTERN UNION TELEGRAPH CO.

Order Continuing Hearing

In the matter of the formula for the distribution by the Western Union Telegraph Company of telegraph traffic destined to points in Canada; Docket No. 13187.

A prehearing conference in the above-entitled proceeding will be held on Wednesday, February 24, 1960, beginning at 10:00 a.m. in the offices of the Commission, Washington, D.C. This conference is called pursuant to the provisions of § 1.111 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

The evidentiary hearing in the above-entitled proceeding presently scheduled for February 24, 1960, is continued to a date to be announced following the conclusion of the prehearing conference to be held on February 24, 1960.

It is so ordered, This the 11th day of February 1960.

Released: February 12, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60-1583; Filed, Feb. 18, 1960; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI60-134]

TEXACO INC.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

FEBRUARY 12, 1960.

Texaco Inc. (Texaco) on January 15, 1960, tendered for filing proposed increased rates designated as Supplement Nos. 5, 2, and 5 to its FPC Gas Rate Schedule Nos. 99, 53, and 52 to become effective as of January 1, 1960. The proposed increased rates are based on Texaco's revenue-sharing arrangement with its buyer, Hugoton Plains Gas & Oil Company (Hugoton Plains), for gas resold to Northern Natural Gas Company (Northern) under Hugoton Plains' FPC Gas Rate Schedule No. 1, after gathering and processing in Hugoton Plains' Tyrone gasoline plant. Hugoton Plains on January 4, 1960, tendered for filing a proposed increased rate of 20.1626 cents per Mcf at 14.65 psia for gas sold to Northern; which was suspended by order of the Commission issued February 4, 1960, until April 7, 1960, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

Supplements No. 5 to Texaco's FPC Gas Rate Schedule Nos. 99 and 52 reflect proposed increases in rates from 8.109 cents[1] to 19.0668 cents[1] per Mcf for gas sold to Hugoton Plains from Hugoton Field, Seward County, Kansas, and Hugoton Field, Texas County, Oklahoma. Supplement No. 2 to Texaco's FPC Gas Rate Schedule No. 53 reflects a proposed increase in rate from 8.0957 cents[1] to 19.0426 cents[1] per Mcf for gas sold to Hugoton Plains from Hugoton Field, Texas County, Oklahoma.

Texaco in support of its proposed increased rates cites the pricing provisions of its contracts and submits copies of Hugoton Plains' letter advising of its increased rate to Northern. Texaco also states that the contract provisions were negotiated at arm's length and the increased rates are necessary to partially compensate seller for continuously increasing costs of development, operation, and maintenance. Texaco states additionally that the increased rates will result in just and reasonable rates which are needed to encourage exploration and development.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes and that Supplement Nos. 5, 2, and 5 to Texaco's FPC Gas Rate Schedule Nos. 99, 53, and 52 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing will be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement Nos. 5, 2, and 5 to Texaco's FPC Gas Rate Schedule Nos. 99, 53, and 52.

(B) Pending hearing and decision thereon, Supplement Nos. 5, 2, and 5 to Texaco's FPC Gas Rate Schedule Nos. 99, 53, and 52 are hereby suspended and the use thereof deferred until April 8, 1960, or until Hugoton Plains' proposed increased rate suspended in Docket No. RI60-102 is made effective, whichever is later, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) This order is without prejudice to any action which has been or may be taken by the Commission concerning the invalidated Kansas Minimum Price Order and Severance Tax or the invalidated Oklahoma Minimum Price Order.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.37(f)) on or before March 28, 1960.

By the Commission (Commissioner Kline would reject the filings).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-1556; Filed, Feb. 18, 1960; 8:45 a.m.]

[Docket No. G-18078 etc.]

TEXACO INC., ET AL.

Notice of Severance

FEBRUARY 12, 1960.

Texaco Inc., et al., Docket No. G-18078, et al.; Tennessee Gas Transmission Company, Docket No. G-18765; South Texas Natural Gas Gathering Company, Docket No. G-18907; Transcontinental Gas Pipe Line Corporation, Docket No.

[1] Contract price at 14.65 psia corrected for compressibility based on proposed rate.

G–18920; Delhi-Taylor Oil Corporation and Mayfair Minerals, Inc., Docket No. G–18223.

Upon consideration of the Motion filed on February 1, 1960, by Counsel for Delhi-Taylor Oil Corporation for severance of Docket No. G–18223 from the hearing now scheduled for March 7, 1960 in the above-designated matters:

Notice is hereby given that the above-mentioned Docket is hereby severed therefrom.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–1558; Filed, Feb. 18, 1960; 8:46 a.m.]

[Docket No. G–18777]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application and Date of Hearing

FEBRUARY 12, 1960.

Take notice that on June 11, 1959, Transcontinental Gas Pipe Line Corporation (Transco), filed an application, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing Transco to deliver to Owens-Corning Fiberglas Corporation (Owens-Corning), an existing customer, for use in the latter's Anderson plant in South Carolina, an increased volume of natural gas from the presently authorized maximum of 5,000 Mcf per day to a maximum of 7,000 Mcf per day.

It appears from the application that Owens-Corning desires an additional 2,000 Mcf per day of firm gas beginning in the fall of 1959 due to the expansion of its plant, made necessary by a substantial increase in its business.

Transco's application recites that it can deliver the additional 2,000 Mcf per day to Owens-Corning after it completes the 1959 facilities proposed in Docket No. G–16603.

By order modifying and adopting as modified the Presiding Examiner's initial decision in Docket No. G–16603, the Commission issued a certificate of public convenience and necessity authorizing the facilities which were the subject matter of the aforementioned docket on November 17, 1959.

The proposed additional deliveries to Owens-Corning are estimated to yield to Transco an additional $287,920 per year, computed at the average rate of 39.4 cents per Mcf, which is the rate now being charged for existing firm sales to Owens-Corning.

On October 16, 1959 temporary authorization was granted to Transco to render the proposed service to Owens-Corning.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 21, 1960, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D.C., respecting the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Transco to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 7, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–1559; Filed, Feb. 18, 1960; 8:46 a.m.]

[Docket No. RI60–131 etc.]

SUNRAY MID-CONTINENT OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates [1]

FEBRUARY 12, 1960.

Sunray Mid-Continent Oil Company, Docket No. RI60–131; Texaco Inc., Docket No. RI60–132; Tom Cook, Jr. (Operator), et al., Docket No. RI60–133; Edwin L. Cox, Docket No. RI60–135.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. In each filing the natural gas is produced at 14.65 psia. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date unless suspended [1]	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI60–131	Sunray Mid-Continent Oil Co.	170	3	Natural Gas Pipeline Co. of America (Camrick Field, Beaver County, Okla.).	1–14–60	1–18–60	3–21–60	8–21–60	16.6	16.8	G–18097
		162	4	do	1–14–60	1–18–60	3–21–60	8–21–60	16.6	16.8	G–17880
		135	5	do	1–14–60	1–18–60	3–21–60	8–21–60	16.6	16.8	G–17880
		165	3	Panhandle Eastern Pipeline Co. (Camrick Field, Texas County, Okla.).	1–15–60	1–18–60	3–22–60	8–22–60	16.4	16.6	G–17881
RI60–132	Texaco Inc.	21	10	El Paso Natural Gas Co. (TXL Gasoline Plant, Ector County, Tex.).	Undated	1–18–60	2–18–60	7–18–60	10.85727	12.27078	G–16413
		19	6	El Paso Natural Gas Co. (Levelland Gasoline Plant, Hockley County, Tex).	do	1–18–60	2–18–60	7–18–60	13.3952	14.7974	G–17159
		18	7	El Paso Natural Gas Co. (S. Fullerton Gasoline Plant, Andrews County, Tex.).	do	1–18–60	2–18–60	7–18–60	13.3952	14.7974	G–17159
		17	8	El Paso Natural Gas Co. (Slaughter Gasoline Plant, Hockley County, Tex.).	do	1–18–60	2–18–60	7–18–60	13.3952	14.7974	G–16413
RI60–133	Tom Cook, Jr. (Operator), et al.	2	3	Texas Eastern Transmission Corp. (Willow Springs Field, Gregg County, Tex.).	do	1–14–60	2–14–60	7–14–60	[2] 14.4	[3] 14.8	
RI60–135	Edwin L. Cox	20	4	Kansas-Nebraska Natural Gas Co., Inc. (Texas County, Okla.).	1–7–60	1–18–60	2–18–60	7–18–60	16.4	16.6	G–18912

[1] The stated effective dates are those requested by respondents or the first day after expiration of the required thirty days notice.

[2] Rate of 14.6 cents per Mcf was suspended in Docket No. G–16638 until April 1, 1959, and was never put into effect.

[3] Includes 0.5 cent per Mcf for amortization of facilities deducted by buyer.

Sunray Mid-Continent Oil Company (Sunray), in support of its proposed periodic increased rates, states that the contracts were entered into at arm's length and without the pricing provisions which insure seller receipt of the market value of the gas over the long term of the contracts it would not have executed such contracts. Sunray also states that the proposed rates are just and reasonable and in line with field prices and market value of gas in the area and denial thereof would be unjust, unduly discriminatory, and confiscatory.

Texaco Inc. (Texaco), in support of its proposed favored-nation increased rates, cites its contract favored-nation clauses and the suspended triggering rates of Phillips Petroleum Company

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

(Phillips)[2] which are in effect subject to refund in Docket Nos. G–18417 and G–18418. Texaco also states that all contract provisions were initially negotiated at arm's length and that the increased rates are necessary to partially compensate seller for continuously increasing costs of development, operation, and maintenance. Texaco states additionally that the increased rates will result in just and reasonable rates, which are needed to encourage exploration and development.

Tom Cook, Jr. (Operator), et al. (Cook), in support of its proposed two-step periodic increased rate, cites the contract price provisions and states that such provisions, as well as all terms of the contract, were negotiated at arm's length and constitute an integral part of the consideration upon which the contract was based, and that the increased rate is in all respects fair, just, and reasonable, and below prices presently being paid for gas in the area.

Edwin L. Cox (Cox), in support of its proposed periodic increased rate, cites the contract provisions and states that the increase results from the mechanical operation of such provisions which are common in long-term gas sales contracts, and are beneficial to buyer in permitting a low price during the time when its unamortized capital investment is high and benefit seller in enabling him to receive progressively higher returns contemporaneously with increasing costs.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, each of the above-designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Rate Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 28, 1960.

By the Commission (Commissioners Kline and Hussey dissenting as to the suspension of the filings in Docket Nos. RI60–131 and RI60–135. Commissioner Hussey dissenting also as to the suspension of the filing in Docket No. RI60–133).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 60–1557; Filed, Feb. 18, 1960; 8:46 a.m.]

[2] Phillips' increased rates are based on spiral escalation clauses.

[Docket No. E–6926]

OKLAHOMA GAS AND ELECTRIC CO.

Notice of Application

FEBRUARY 12, 1960.

Take notice that on February 5, 1960, an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Oklahoma Gas and Electric Company ("Applicant") seeking an order authorizing the purchase and acquisition of that portion of Central Rural Electric Cooperative's ("Central") electric distribution system situated within the corporate limits of Oklahoma City, Oklahoma, and certain of its incorporated suburbs. Applicant, having its principal business office at Oklahoma City, Oklahoma, is a corporation organized under the laws of the State of Oklahoma and does business in the States of Oklahoma and Arkansas. Applicant owns and operates electric utility properties and furnishes electric service at retail in 261 communities and contiguous rural and suburban territories in Oklahoma and western Arkansas and furnishes electric energy at wholesale for resale in 12 additional communities and to 7 rural electric cooperative associations. Central is a corporation organized under the laws of the State of Oklahoma and owns and operates an electric distribution system within Oklahoma City and certain of its incorporated suburbs. The portion of Central's electric distribution system to be acquired by Applicant consists of 44.5 pole miles of distribution lines and other related equipment and appurtenances. Said facilities are used in furnishing electric service to an estimated population of 6000 within Oklahoma City and certain of its suburbs. The consideration for acquisition by Applicant of this portion of Central's system is stated to be $811,186.30, plus certain additional payments covering unbilled electricity and accounts receivable and attorneys' fees. According to the application, there will be no change in the use of the facilities described above after their acquisition by Applicant, which will undertake all duties and legal obligations with respect to such facilities and their acquisition. The facilities to be acquired do not constitute all the operating facilities of Central. Applicant states that the portion of facilities acquired from Central will be integrated into Applicant's system, its power source strengthened and its voltage uniformity improved, substantially improving operating efficiency in the area. Applicant also represents that Central's electric rates are substantially the same as its own rates.

Any person desiring to be heard or to make any protests with reference to said application should on or before the 7th day of March 1960, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 60–1560; Filed, Feb. 18, 1960; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 266]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 16, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 62751. By order of February 11, 1960, the Transfer Board approved the transfer to Wilmer Ristow, doing business as Ristow Trucking, Wales, Wisconsin, of a portion of Permit in No. MC 109947, issued October 12, 1953, to Warsaw Trucking Co., Inc., Warsaw, Indiana, authorizing the transportation of: Malt beverages, from Cincinnati, Ohio, to Richmond, Ind.; from Detroit, Mich., to Richmond, Rochester and Portland, Ind.; from St. Louis, Mo., to Auburn, Knox, Portland, Warsaw, Richmond, Rochester and Winamac, Ind.; malt beverages, in kegs or cases, from Peoria, Ill., Dayton and Cincinnati, Ohio, St. Louis, Mo., and Detroit, Mich., to New Castle, Ind.; malt and carbonated beverages from Milwaukee, Wis., and Chicago, Ill., to points in Indiana; and empty beverage containers to above-specified origin points. William B. Elmer, Attorney, 1800 Buhl Building, Detroit 26, Mich.

No. MC–FC 62807. By order of February 11, 1960, the Transfer Board approved the transfer to Robert Emiles Carter, Centreville, Md., of Certificate

No. MC 96331 issued September 11, 1941, in the name of Alexander Ayers, Centreville, Md., authorizing the transportation of passengers and their baggage, restricted to traffic originating in the territory indicated, in round trip charter operations, over irregular routes, from points in Queen Annes County, Md., to Philadelphia, Gettysburg, Pa., Wilmington, Dover, Seaford, Del., and the District of Columbia, and return. Robert R. Price, Jr., Centreville, Md., for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 60-1568; Filed, Feb. 18, 1960; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3865]

SKIATRON ELECTRONICS AND TELEVISION CORP.

Order Summarily Suspending Trading

FEBRUARY 15, 1960.

In the matter of trading on the American Stock Exchange in the common stock, par value 10 cents per share of Skiatron Electronics and Television Corporation; File No. 1-3865.

The common stock, par value 10 cents per share of Skiatron Electronics and Television Corporation, being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under Section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, February 16, 1960, to February 25, 1960, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-1562; Filed, Feb. 18, 1960; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Agricultural Classification

FEBRUARY 12, 1960.

Pursuant to the decisions in Martha K. Bongfeldt et al., Los Angeles 0150912, etc.; Peter W. Breene et al., Los Angeles 0148894, etc.; Oscar O. H. Nelson et al., Los Angeles 0160613, etc.; Georgia Blaine et al., Los Angeles 0153231, etc.; and William H. Hazelwood et al., Los Angeles 0152336, etc.; approved by the Department on September 25, 1959, all of the public lands in the following-described areas were classified as unsuitable for agricultural entry under the public land laws:

MOUNT DIABLO MERIDIAN

T. 27 S., R. 39 E.
T. 27 S., R. 40 E.,
Secs. 13 to 36, inclusive.
Tps. 28 and 30 S., R. 40 E.
T. 27 S., R. 41 E.,
Secs. 1 to 5, inclusive, and secs. 7 to 36, inclusive.
Tps. 30 and 31 S., R. 41 E.
Tps. 30, 31, and 32 S., R. 42 E.
Tps. 31 and 32 S., R. 43 E.

SAN BERNARDINO MERIDIAN

T. 5 N., R. 1 E., partly unsurveyed.
Tps. 6 and 9 N., R. 1 E.
T. 5 N., R. 2 E., partly unsurveyed.
Tps. 9, 10, and 11 N., R. 2 E.
Tps. 4 and 5 N., R. 3 E., partly unsurveyed.
Tps. 8, 10, and 11 N., R. 3 E.
Tps. 3 and 5 N., R. 4 E., partly unsurveyed.
Tps. 8, 9, and 11 N., R. 4 E.
T. 8 N., R. 5 E.
Tps. 23 and 24 N., R. 8 E.
Tps. 22 and 23 N., R. 9 E.
T. 22 N., R. 10 E.
T. 19 N., R. 12 E.
T. 5 N., R. 13 E.
Tps. 5 and 6 N., R. 14 E.
Tps. 2 and 4 N., R. 18 E.
T. 1 N., R. 19 E.
Tps. 2, 4, and 5 N., R. 19 E., partly unsurveyed.
Tps. 4, 5, and 6 N., R. 22 E.
T. 4 N., R. 24 E.
T. 11 N., R. 1 W., partly unsurveyed.
Tps. 7, 8, and 9 N., R. 2 W.
Tps. 7, 8, 9, and 11 N., R. 3 W.
Tps. 3, 9, 10, and 12 N., R. 4 W.
Tps. 7, 8, and 11 N., R. 5 W.
T. 8 N., R. 6 W.
Tps. 7 and 8 N., R. 7 W.
T. 11 N., R. 8 W.
T. 3 S., R. 1 E.
T. 6 S., R. 8 E.,
Sec. 12, E½.
T. 6 S., R. 9 E.,
Secs. 1 to 17, inclusive, secs. 21 to 28, inclusive, and secs. 34 to 36, inclusive.
T. 17 S., R. 9 E.
T. 7 S., R. 10 E.,
Secs. 1 to 15, inclusive, and secs. 23 to 25, inclusive.
Tps. 11 and 17 S., R. 10 E.
Tps. 7, 8, and 17 S., R. 11 E.
Tps. 8, 9, and 17 S., R. 12 E.
T. 3 S., R. 15 E., partly unsurveyed.
Tps. 4 and 5 S., R. 16 E., partly unsurveyed.
Tps. 3 and 5 S., R. 17 E.
T. 6 S., R. 17 E., partly unsurveyed.
T. 6 S., R. 18 E.
T. 14 S., R. 19 E.
T. 7 S., R. 20 E.
T. 6 S., R. 21 E.
T. 7 S., R. 21 E.,
Sec. 21, SW¼NW¼, SW¼;
Sec. 22.
T. 5 S., R. 22 E.
T. 6 S., R. 22 E.,
sec. 21, E½NW¼.

The areas described, including both public and non-public lands, aggregate approximately 2,026,541.58 acres.

The classification is effective September 25, 1959, the date the decisions were approved by the Department. The classification is based on investigations and studies of the lands involved wherein it has been determined that water of a proper quality or of sufficient quantity as would be required for irrigated crop production is not available and because irrigation development of certain of the lands is not feasible by any practical means. The decisions state that all pending agricultural applications for any of the above-described lands are rejected, and until further notice, any such application which may be hereafter submitted for any of the public lands involved will not be accepted for filing but will be returned to the applicant, accompanied by a notice stating that the lands have been classified as unsuitable for further agricultural entry and that no right of appeal lies from the refusal to accept the application for filing.

EDWARD WOOZLEY,
Director.

[F.R. Doc. 60-1561; Filed, Feb. 18, 1960; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 869]

PACIFIC COAST-HAWAII AND ATLANTIC/GULF-HAWAII GENERAL INCREASES IN RATES

Notice of Supplemental Orders

Notice is hereby given that the Federal Maritime Board has entered, on the dates indicated, the following Twenty-Second, Twenty-Third and Twenty-Fourth Supplemental Orders to the original order in this proceeding, dated September 10, 1959, which appeared in the FEDERAL REGISTER of September 23, 1959 (24 F.R. 7656):

Twenty-Second Supplemental Order, dated February 4, 1960:

It appearing that, by the Original Order in Docket No. 869 served September 11, 1959, the Board instituted an investigation into and concerning the reasonableness and lawfulness of the rates, charges, regulations, and practices stated in certain schedules between Pacific Coast ports and Hawaii as well as from Hawaii to North Atlantic ports, effective September 14, 1959; and

It further appearing that said Original Order, as amended January 7, 1960, provides in part that no change shall be made in rates or other matters which were changed by said tariff schedules, until this investigation has been terminated by final order of the Board, unless otherwise authorized by special permission of the Board; and

It further appearing that on January 25, 1960, Matson Navigation Company

filed Special Permission Application No. 55 seeking authority to publish, post and file, on thirty days' notice, a Supplement No. 28 to Freight Tariff No. 1–N, F.M.B.–F. No. 87 in order to make the following changes therein:

(1) Increase the rate under Item No. 200–B from $16.60 per 40 cubic feet to $18.68 per 40 cubic feet applicable to "Boxes, Fibreboard, Corrugated or other than Corrugated, KD, Flat; Cans or Cups, taper-sided, Fibreboard, Pulpboard or Woodpulp, with or without covers or lids, nested; Egg Case or Egg Carrier Cartons, Pulpwood or Woodpulp, folded or KD flat, or molded Egg Case Cartons, nested; Fillers and/or parts for same; Paper Box Material, in flat sheets, viz: Boxboard, Chipboard, Fibreboard, Pulpboard, Tag Board or Boxboard Blanks in packages."

(2) Amend Rule No. 30–B accordingly.

It further appearing that the Board having found good cause therefor has on February 4, 1960, granted special permission to publish such changes on not less than 30 days' notice under Special Permission No. 3811, such special permission to be without prejudice to the right of the Board to suspend such schedules within the notice period, either upon receipt of protest thereto or upon its own motion.

It is ordered, That the Original Order herein is modified to the extent necessary to permit the publication and filing of the change covered by such Special Permission No. 3811; and

It is further ordered, That any rates, charges, regulations and practices set forth in the schedules filed pursuant to such special permission shall be subject to the investigation and hearing herein to the same extent as the rates, charges, regulations and practices under schedules cancelled thereby, and that the special permission granted hereby shall be without prejudice to the Board's determination as to the lawfulness of the rates established pursuant hereto; and

It is further ordered, That copies of this Order shall be filed with said tariff schedules in the Office of the Federal Maritime Board, and

It is further ordered, That a copy of this order shall be forthwith served upon all respondents herein, and upon all protestants herein; and that this order be published in the FEDERAL REGISTER.

Twenty-Third Supplemental Order, dated February 8, 1960:

It appearing that by order dated September 10, 1959, as supplemented, Fourth Supplemental order dated October 12, 1959, and Tenth Supplemental order dated November 30, 1959, the Board instituted an investigation into the reasonableness of certain tariff schedules of respondent carriers; and

It further appearing that such orders provides that the investigation instituted thereby should include all matters and issues with respect to the lawfulness of all freight schedules of the carriers named respondents in effect between ports in Hawaii and ports on the Pacific, Atlantic and Gulf Coasts of the United States; and

It further appearing, that Hawaiian Marine Freightways, Inc., filed with the Federal Maritime Board additional tariff revisions naming increases in freight rates between Pacific Coast ports and Hawaiian Islands ports to become effective February 17, 1960 designated as Supplement No. 6 to Freight Tariff No. 6, F.M.B.–F. No. 6, and Freight Tariff No. 4–A, F.M.B.–F. No. 9; and

It further appearing that Hawaiian Marine Freightways, Inc., has agreed (1) to keep account of all freight moneys received by reason of the increased rates provided in such schedules commencing with February 17, 1960, and terminating on the effective date of the Board's order finally determining the reasonableness and lawfulness of the rates, charges, regulations and practices stated in said schedules; and (2) to refund to the person who paid the freight, upon proper authorization by the Board, the freight charges collected under said schedules during the said period which may be in excess of those determined by the Board to be just and reasonable;

It is ordered, That the hearing herein include all issues concerning the reasonableness and lawfulness of rates, charges, regulations and practices stated in said schedules; and

It is further ordered, That Hawaiian Marine Freightways, Inc., (1) shall keep an account of all freight moneys received by reason of the increased rates provided in such schedules commencing with February 17, 1960, and terminating with the effective date of the Board's order finally determining the reasonableness and lawfulness of the rates, charges, regulations and practices set forth in said schedules; (2) that such carrier, upon final determination by the Board, shall refund to the person who paid the freight, any freight charges collected under said schedules during the said period which may be in excess of those determined by the Board to be just and reasonable and otherwise lawful; and

It is further ordered, That no change shall be made in rates or other matters which were changed by said tariff schedules, until this investigation has been terminated by final order of the Board, unless otherwise authorized by special permission of the Board; and

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of said schedules and all other freight schedules of the carrier named herein in effect between ports in Hawaii and ports on the Pacific Coast of the United States under the Shipping Act of 1916, as amended, and the Intercoastal Shipping Act of 1933, as amended; and

It is further ordered, That copies of this order shall be filed with said tariff schedules in the office of the Federal Maritime Board; and

It is further ordered, That a copy of this order be served upon all other respondents, protestants, and interveners herein, and that this order be published in the FEDERAL REGISTER.

Twenty-fourth supplemental order, dated February 8, 1960:

It appearing that pursuant to Special Permission No. 3802 dated December 30, 1959, and Seventeenth Supplemental Order in Docket No. 869, Consolidated Freightways, Inc., filed, on thirty days' notice, 2d Revised Page 30 and 3d Revised Page 60 to Local and Joint Container Tariff No. 1, F.M.B.–F. No. 2, naming certain rate increases to become effective February 10, 1960;

It further appearing that Consolidated Freightways, Inc., has agreed that if such increases are permitted to go into effect without suspension (1) to keep account of all freight moneys received by reason of the rates provided in such schedules commencing with their effective date and terminating on the effective date of the Board's order finally determining the reasonableness and lawfulness of the rates, charges, regulations and practices stated in said schedule; (2) to refund to the person who paid the freight, upon proper authorization by the Board, any freight charges collected under such rates in said schedules during the said period which may be in excess of those determined by the Board to be just and reasonable;

It is ordered, That Consolidated Freightways, Inc. shall (1) keep an account of all freight moneys received by reason of the rates provided in such schedules commencing with their effective date and terminating on the effective date of the Board's order finally determining the reasonableness and lawfulness of the rates, charges, regulations and practices stated in said schedule; and (2) to refund to the person who paid the freight, upon proper authorization by the Board, any freight charges collected under such rates in said schedule during the said period which may be in excess of those determined by the Board to be just and reasonable;

It is further ordered, That no change shall be made in rates or other matters which were changed by said tariff schedules until this investigation has been terminated by final order of the Board, unless otherwise authorized by special permission of the Board; and

It is further ordered, That copies of this Order shall be filed with said tariff schedules in the Office of the Federal Maritime Board; and

It is further ordered, That a copy of this order shall be forthwith served upon all respondents, protestants and interveners herein; and that this order be published in the FEDERAL REGISTER.

Dated: February 16, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60–1569; Filed, Feb. 18, 1960; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—FEBRUARY

A numerical list of parts of the Code of Federal Regulations affected by documents published to date during February. Proposed rules, as opposed to final actions, are identified as such.